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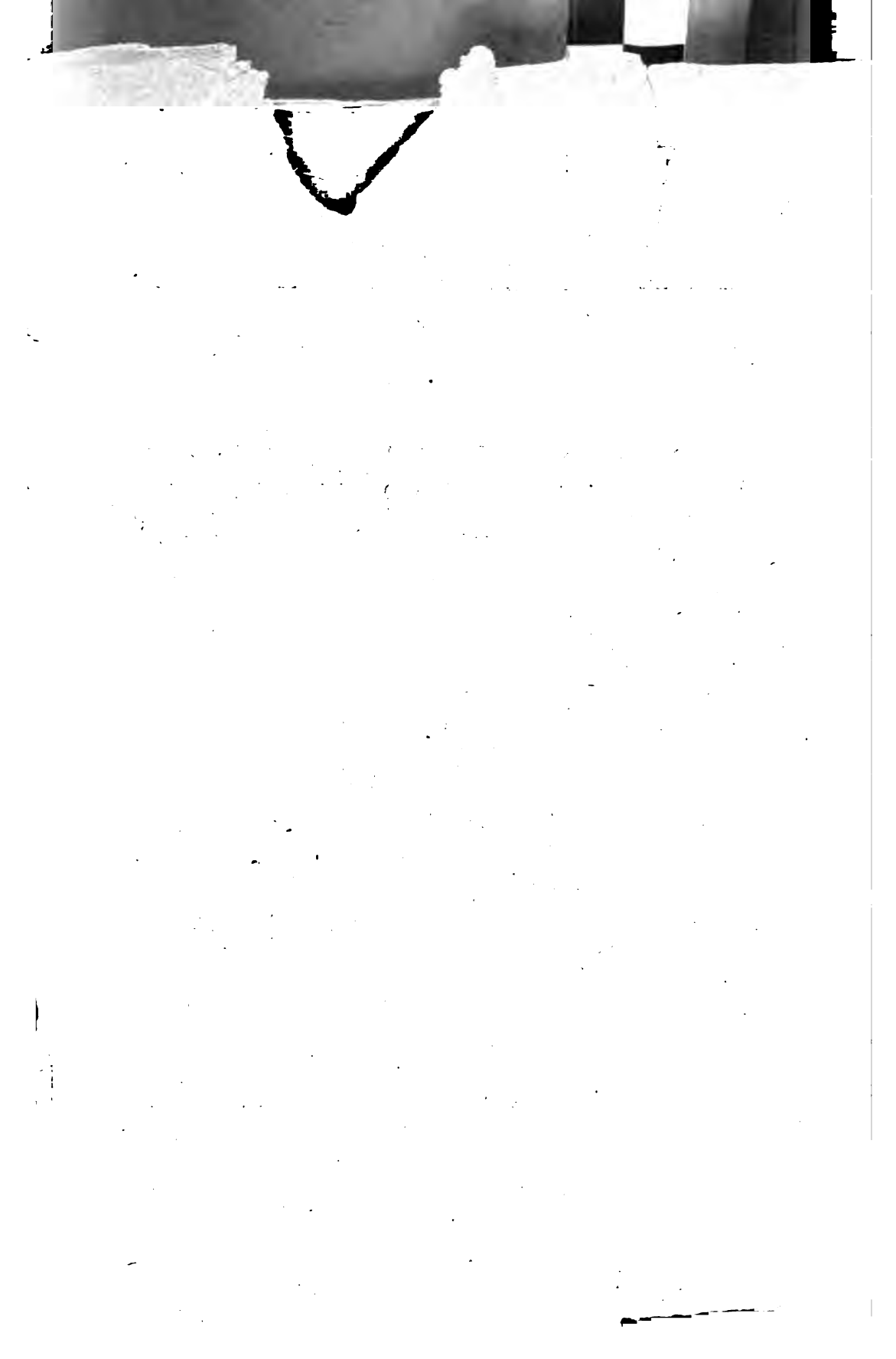
# LAWS OF DELAWARE

1898.

VOL. XXI.

PART I.

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**LAWS**  
**OF THE**  
**STATE OF DELAWARE**

**PASSED**

**AT AN ADJOURNED SESSION OF THE GENERAL ASSEMBLY,**

**COMMENCED AND HELD AT DOVER,**

**TUESDAY, JANUARY, 11, A. D. 1898,**

**AND**

**IN THE YEAR OF THE INDEPENDENCE OF THE  
UNITED STATES THE ONE HUNDRED  
AND TWENTY-SECOND.**

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**VOLUME XXI—PART I.**

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**1898 :**

**PRINTED AT THE HERALD OFFICE.**

**MILFORD, DELAWARE.**



# LAWS OF DELAWARE.

## TITLE FIRST.

Of the Jurisdiction and Property of the State ; its Legislation and Laws.

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### CHAPTER I.

#### SOVEREIGNTY AND JURISDICTION.

AN ACT giving the consent of the Legislature of the State of Delaware to the purchase by the United States of Land within this State for the purpose of erecting Forts, Magazines, Arsenals, Dockyards and other needful Buildings.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

SECTION I. That the consent of the Legislature of Delaware be and the same is hereby given to the purchase by the Government of the United States, or under the authority of the same, of any tract, piece or parcel of land not exceeding one hundred acres in any one place or locality from any individual or individuals, bodies politic or corporate, within the boundaries or limits of the State of Delaware, for the purpose of erection thereon of forts, magazines, arsenals, dockyards and other needful buildings ; and all deeds, conveyances, or title papers for the same shall be recorded as in other cases upon the land records of the county in which the land so conveyed may be situated ; and in like manner may be recorded a sufficient description, by metes and bounds, courses

Consent of State to purchase of land by U. S. Government, for arsenals, forts, &c.  
Papers, recording, &c.

## SOVEREIGNTY AND JURISDICTION.

and distances, of any tracts, legal divisions, of any public land belonging to the United States, which may be set apart by the general government for any or either of the purposes before mentioned, by an order patent, or other official document or papers so describing such land. The consent herein and hereby given being in accordance with the eighteenth clause of the eighth Section of the first Article of the Constitution of the United States, and with the Acts of Congress in such cases made and provided.

Exemption from taxation.

SECTION 2. The lots, parcels, or tracts of land so selected, together with the tenements and appurtenances, for the purposes before mentioned, shall be held exempt from taxation by the State of Delaware.

Sovereignty and Jurisdiction of State to extend to.

SECTION 3. The sovereignty and jurisdiction of this State shall extend over all lands hereafter acquired by the United States within the limits of this State, so far as that all civil and criminal process, issued by virtue of any law of this State, may be executed in any part of the lands so acquired, or the building or structures thereon erected.

*Approved May 19, A. D. 1898.*

OF THE STATE HOUSE.

CHAPTER 2.

OF THE STATE HOUSE.

AN ACT to provide for the payment of amounts remaining due for Changes and Repairs of the State House, Furniture, &c.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

SECTION 1. That the sum of four thousand four hundred and sixty-seven dollars and sixteen cents (\$4,467.16), be and the same is hereby appropriated out of any moneys in the State Treasury to the credit of the General Fund and set apart for the purpose of paying the remainder of the amounts contracted and remaining due for changes, alterations and repairs in the State House and the furniture therein, done under orders of the committee of the two houses, appointed for that purpose at the last session of the Legislature. The said amount shall be paid out by the State Treasurer upon orders drawn by the said committee and signed by the Chairman thereof and attested by its Secretary.

Appropriation of money to pay for repairs on State House.

How paid.

*Approved March 10, A. D. 1898.*



OF THE STATE HOUSE.

CHAPTER 3.

OF THE STATE HOUSE.

AN ACT providing for the appointment of a Committee to make necessary Repairs in the Roof of the State House, to have the outside of the State House repainted and to purchase necessary Furniture for the different Offices, Halls and Rooms of the State House, and appropriating Three Thousand Dollars for the payment of the same.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

Committee to make repairs to and furnish State House.

SECTION 1. That a Joint Committee of two on the part of the Senate and three on the part of the House of Representatives, be appointed by the respective Speakers of the Senate and House, whose duties shall be to cause such repairs to be made in the roof of the State House as they may deem necessary, to cause the State House to be repainted on the exterior thereof, and to purchase such furniture as may be necessary for the different offices, halls and rooms in the State House.

Advertisement for bids.  
Award of contract.

SECTION 2. The said Committee shall advertise for proposals for all work and furniture to be done and supplied under the provisions of this Act, and shall award the contract therefor to the lowest responsible bidder or bidders. The said Committee shall have all needful power and authority therefor when appointed.

Cost.

SECTION 3. That the cost of the repairs, repainting and furniture as provided for in this Act, shall not exceed the sum of three thousand dollars, or as much of said sum as may be necessary for the purpose of this Act. Any moneys appropriated for the expenditures provided for in this Act shall be paid by the State Treasurer upon orders drawn by the said Joint Committee, signed by their Chairman and attested by their Secretary. The said Committee shall render a full account of their expenditures to the next session of the General Assembly.

How paid

Account.

*Approved May 16, A. D. 1898.*

## OF THE STATE HOUSE.

## CHAPTER 4.

## OF THE STATE HOUSE.

AN ACT assigning the Rooms in the State House to certain Public Officers.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

SECTION 1. That the Senate and Representative chambers in the State House at Dover, together with all the other rooms on the second and third floors of said State House shall be, at all times, for the exclusive use of the Legislature, and under its control. Senate and Representative Chambers Control of.

SECTION 2. That the two communicating rooms situated at the northwest corner, on the first floor of said State House, are hereby designated as the Governor's Offices and assigned to said officer. Governor's offices.

SECTION 3. That the room situated on the north side of said State House on the first floor, adjoining the Governor's offices, is hereby designated as the office of the State Treasurer, and assigned to said officer. Office of State Treasurer.

SECTION 4. That the three communicating rooms, and the fire proof vault situated at the Southwest corner, on the first floor of said State House are hereby designated as the offices of the Secretary of State, and assigned to said officer. Offices of Secretary of State.

SECTION 5. That the room situated on the South side of said State House and on the first floor thereof, and adjoining the offices of the Secretary of State on the East side, is hereby designated as the office of the Auditor of Accounts, and assigned to said officer. Office of Auditor of Accounts.

SECTION 6. That the room situated on the South side of said State House, on the first floor thereof, and adjoining the office of the Auditor of Accounts on the East side, is hereby designated as the office of the Judiciary, and assigned to the use of the Judiciary of the State of Delaware. Office of Judiciary.

SECTION 7. That the room situated on the South side of said State House, on the first floor thereof, and adjoining the Office of State Librarian.

## OF THE STATE LIBRARY.

office of the Judiciary on the East side, is hereby designated as the office of the State Librarian, and assigned to said officer.

Control of  
offices.

SECTION 8. That the office of the Judiciary shall be under the control of the Chancellor and the other offices herein mentioned shall be under the control of the officers to whom they are respectively assigned by the provisions of this Act.

*Approved June 1, A. D. 1898.*

## CHAPTER 5.

## OF THE STATE LIBRARY.

AN ACT to amend Chapter 6, Volume 17, Laws of Delaware, entitled "An Act to establish the State Library."

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Contin-  
gent ex-  
penses of  
State  
Library.

SECTION 1. That Section 8 of Chapter 6, Volume 17, Laws of Delaware be and the same is hereby stricken out and the following inserted in lieu thereof, "Section 8. That the Librarian shall be allowed the sum of one hundred dollars per year to defray the current expenses of the State Library, and for the expenditure of the money appropriated for that purpose he shall present his vouchers to a committee of the Legislature appointed at any biennial or adjourned session, to settle with the State Librarian."

Settle-  
ment.

Appro-  
priation of  
\$300 for  
purposes  
of Li-  
brary.

SECTION 2. That said Chapter 6 be and the same is hereby further amended by striking out Section 10 of said Chapter and inserting in lieu thereof the following, "Section 10. That the Librarian shall annually, under the direction of the Supreme Court expend a sum not exceeding three hundred dollars for the purpose of purchasing judiciary re-

## OF THE STATE LIBRARY.

ports, preference being given to supplying the missing volumes of sets of reports in the Library, and also for purchasing a copy of the History of Delaware by J. Thomas Scharf. Said sum to be paid the Librarian by the State Treasurer out of moneys appropriated for that purpose, upon the presentation of the endorsement and approval of the Judges of said Supreme Court or a majority of them." How paid.

SECTION 3. That in all future editions of the Laws of this State said Chapter 6 shall be published as hereby amended.

*Approved April 28, A. D. 1898.*

## CHAPTER 6.

## OF THE STATE LIBRARY.

CHAPTER 6 of Volume 17, Laws of Delaware, as amended by Chapter 5 current Volume. "An Act to establish the State Library."

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

SECTION 1. The State Library shall consist of the books, pamphlets, maps, charts and documents of every kind now belonging to the same, together with such others as it may hereafter acquire by gift, purchase, exchange or otherwise. Contents of State Library.

SECTION 2. The Governor shall, on the first Tuesday of April in the year A. D. 1883, and every two years thereafter, appoint a State Librarian, who shall hold his office for the term of two years, beginning on the ninth day of April next following his appointment, and until his successor is duly appointed and qualified. Before entering upon his duties the Librarian shall take the oath of office and give a bond to the State in the sum of two thousand dollars, with two sureties to be approved by the Governor, conditioned for the faithful performance of his official duties, the safe keeping and delivery to his successor of all property belonging to the Library; such oath and bond to be filed in the office of the Secretary of State. Appointment by the Governor of State Librarian. Term. Bond approved by Governor. Condition.

## OF THE STATE LIBRARY.

**Duties.** SECTION 3. The Librarian shall have general charge of the State House, and shall see that the same is properly cared for. He shall, by and with the consent of the judges of the Court of Errors and Appeals, make such rules and regulations governing the Library and its use as may to them seem proper. He shall keep a complete record of all the books taken from the Library, and require the return of the same within thirty days, unless renewed by a written application; but in no case shall there be more than one renewal.

**Books to be re-  
turned within 30  
days, un-  
less re-  
newed.**

**Fine.  
When.** In case any person taking books from the Library should fail to return the same within thirty days or renew as above provided, then, and in that event, he shall be fined by the Librarian the sum of ten cents per book for each and every week such book or books are so unlawfully retained. The said fine to be collected by the Librarian as such debts are by law now collected, and the proceeds arising from such collection to be expended by him in purchasing stationery for the Library.

**How col-  
lected and  
expended.**

**Record to be kept of books, etc.** SECTION 4. The Librarian shall also keep a complete record of all books, pamphlets, &c., received by him for the State Library, properly label, and acknowledge the receipt of the same.

**Duties as to disposal of the laws of the State and Judicial Reports.** SECTION 5. Immediately upon the publication of the laws by the Secretary of State, he shall deposit in the Library fifty copies, and the Librarian shall send a copy of the same to the library of each State and Territory in the Union, one to the Congressional Library, one to Delaware College, one to the Historical Society of the State of Delaware, and one to the New Castle County Law Library. The Secretary of State shall also, upon the receipt of the Judicial Reports, and the Chancery Reports, place in the Library, in addition to the number now required by law to be placed therein, a number of copies thereof equal to the number of States and Territories of the United States, and the Congressional Library, Delaware College, the Historical Society of the State of Delaware, and the New Castle County Law Library, and the Librarian shall thereupon transmit one copy thereof to the library of each State and Territory above named, one to the Congressional Library, one to Delaware College, one to the Historical Society of the State of Delaware, and one to the New Castle [County] Law Library.

## OF THE STATE LIBRARY.

SECTION 6. The Librarian shall, on the first day of the sessions of the General Assembly of this State, make a report to the same, setting forth the condition of the Library, the number of fines levied and collected, the number and title of books lost during the two years past, and the number and kinds of books received by him for the Library in that period, and all other things concerning the Library that he may deem proper. He shall also keep the Library open each day, except Sundays and legal holidays, from 10 o'clock, A. M. to 12 o'clock, M., and from 2 o'clock to 4 o'clock, P. M., and during the sessions of the Legislature and the sessions of the Courts in Kent County, from 9 o'clock, A. M. to 9 o'clock, P. M.

Report to General Assembly. Contents.  
Library. When to open and close.

SECTION 7. That at any time, when the State Librarian shall fail to perform his duties as hereinbefore prescribed, then, and in that event, the Governor may remove him, and appoint some other competent person to fill the unexpired term.

Governor may remove Librarian. When.

[“SECTION 8. That the Librarian shall be allowed the sum of one hundred dollars per year to defray the current expenses of the State Library, and for the expenditure of the money appropriated for that purpose he shall present his vouchers to a committee of the Legislature appointed at any biennial or adjourned session, to settle with the State Librarian.”]

Contingent expenses of State Library. Chapter 5, current volume. Settlement.

SECTION 9. That the Librarian shall receive for his services, as such officer, the sum of four hundred and fifty dollars per year and he is hereby authorized and empowered to draw upon the State Treasurer, at the end of each quarter, for the same.

Compensation.

[“SECTION 10. That the Librarian shall annually, under the direction of the Supreme Court expend a sum not exceeding three hundred dollars for the purpose of purchasing judiciary reports, preference being given to supplying the missing volumes of sets of reports in the Library, and also for purchasing a copy of the History of Delaware by J. Thomas Scharf. Said sum to be paid the Librarian by the State Treasurer out of moneys appropriated for the purpose, upon the presentation of the endorsement and approval of the Judges of said Supreme Court or a majority of them.”]

Appropriation of \$300 for purposes of Library. Chapter 5, current volume.

## OF THE STATE LIBRARIAN.

SECTION 11. That all acts or parts of acts inconsistent with the provisions of this act, are hereby repealed.

*Passed at Dover, March 30, 1883.*

*Amended by Act approved, April 28, A. D. 1898.*

## CHAPTER 7.

## OF THE STATE LIBRARIAN.

**AN ACT** to conform the appointment of State Librarian to the Amended Constitution.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

Termination  
of  
term of  
State Librarian.  
Term of  
appointment.

SECTION 1. That the term of the office of the present State Librarian shall terminate on the second Tuesday in February in the year one thousand eight hundred and ninety-nine, and thereafter his successor in office shall be appointed for the term of two years, commencing on the second Tuesday in February in the year one thousand eight hundred and ninety-nine.

SECTION 2. All acts or parts of acts inconsistent with this act are hereby repealed.

*Approved March 1, A. D. 1898.*

OF THE JANITOR FOR THE STATE HOUSE.

CHAPTER 8.

OF THE JANITOR FOR THE STATE HOUSE.

**AN ACT to amend Chapter 64, Volume 19, Laws of Delaware, entitled "An Act to authorize the appointment of a Janitor for the State House."**

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

SECTION 1. That Section 2 of said Chapter 64, Volume 19, Laws of Delaware, entitled "An Act to authorize the appointment of a Janitor for the State House," be and the same is hereby amended by adding at the end of said Section 2, the following : "The said Janitor for the purpose of enforcing this Section shall be clothed with all the powers which any police officer of, the town of Dover now has." Janitor of State House given police powers.

SECTION 2. That Section 3 of Chapter 64, Volume 19, Laws of Delaware, be and the same is hereby amended by striking out all of said Section after the words "per year" in the third line thereof and inserting in lieu thereof the words "payable in equal quarterly installments." Payment of salary of Janitor.

SECTION 3. That Section 4 of said Chapter be and the same is hereby amended by striking out the word "draft" in the sixth and seventh lines thereof and inserting in lieu thereof respectively the words "quarterly installments." How paid.

*Approved March 17, A. D. 1898.*



## OF THE PASSING AND PUBLICATION OF LAWS.

## CHAPTER 9.

## OF THE PASSING AND PUBLICATION OF LAWS.

**AN ACT** to amend Chapter 4 of the Revised Statutes of the State of Delaware, relating to the passing and publication of Laws.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

SECTION 1. That Section 1 of Chapter 4 of the Revised Statutes of the State of Delaware be and the same is hereby stricken out and the following inserted in lieu thereof: "Whenever a bill, order, resolution or vote of both Houses of the General Assembly, first being duly enrolled and signed by the President of the Senate and the Speaker of the House of Representatives and having been approved and signed by the Governor, or not having been returned by him with his objections, becomes a law or takes effect, it shall forthwith be received by the Secretary of State from the Governor; and whenever a bill, order, resolution or vote is returned by the Governor with his objections and on being reconsidered, is agreed to be passed and is approved by three-fifths of all the members elected to each House of the General Assembly and thereby becomes a law, or takes effect; it shall be received by the Secretary of State from the President of the Senate or the Speaker of the House of Representatives, in whichever house it shall last have been so approved, and the Secretary of State, if the bill, order, resolution or vote, be of a public nature, shall immediately upon the adjournment of the General Assembly, have three thousand two hundred copies, accurately printed in pamphlet form, with proper notes and index, and shall carefully preserve the originals.

Filing of  
bills, &c.,  
with Sec-  
retary of  
State

Printing  
of public  
laws.

Number  
of copies.

Style of  
printing.  
Number  
of pages to  
the vol-  
ume.  
Bind-  
ing of  
volumes.  
Distribu-  
tion,

"The printing shall conform with this edition and each volume shall be closed when the pages exceed five hundred and the Secretary of State shall then have three hundred and fifty copies bound with a general index, which he shall distribute as follows: one hundred copies to the Prothonotary of New Castle County, fifty copies to the Prothonotary of Kent County and fifty copies to the Prothonotary of Sussex County; and he

## OF THE PASSING AND PUBLICATION OF LAWS.

shall charge the respective Prothonotaries for the same at the rate of two dollars per volume ; one copy to the executive ; one copy to each State officer ; one copy to each County officer of the respective Counties and the residue to the State Library for the Librarian to distribute ; one copy to the State Library of each of the United States and retain the residue. The copies delivered as herein provided, to the executive, the State and County officers, shall be kept and remain in their respective offices and by them delivered to their successors as the property of said offices."

Sale of.

Custody of  
copies in  
offices.

SECTION 2. That Section 2 of Chapter 4 of the Revised Statutes of the State of Delaware, be and the same is hereby stricken out and the following inserted in lieu thereof : "The Laws when printed in pamphlet form, as directed in the foregoing Section shall be distributed, by the Secretary of State as follows, one thousand one hundred copies to the Prothonotary of New Castle County, seven hundred copies to the Prothonotary of Kent County, and eight hundred copies to the Prothonotary of Sussex County ; one to the President of the United States ; one to each of the departments of the General Government, two to the Library of Congress ; one to Delaware College ; one to St. Mary College ; one to the Historical Society of Delaware ; one to the executive of each of the United States ; retain three hundred and fifty copies in the office of the Secretary of State, for the purpose of being bound into suitable volumes, as provided in the foregoing Section and the residue to the State Library, for the Librarian to distribute one to the State Library of each of the United States and retain the residue."

Distribu-  
tion of  
pamphlet  
Session  
laws.

SECTION 3. That Section 4 of Chapter 4 of the Revised Statutes be and the same is hereby amended by striking out the words "The Auditor's Report" in the third and fourth lines of said Section.

Auditor's  
Report  
not to be  
printed in  
Legisla-  
tive  
Journals.

*Approved April 28, A. D. 1898.*

## OF THE PASSING AND PUBLICATION OF LAWS.

## CHAPTER 10.

## OF THE PASSING AND PUBLICATION OF LAWS.

## AN ACT to revive and extend the time of Recording Private Acts.

WHEREAS, by Section 3 of Chapter 4 of the Revised Statutes of the State of Delaware, it is provided that private statutes (namely such as are not of a public nature or published as such) shall be recorded in the Recorder's office in one of the counties of this State within twelve months after their passage or they shall be void, and

WHEREAS, A number of private and unpublished acts heretofore passed have been allowed to become void through ignorance or neglect of the aforesaid enactment; therefore, for the purpose of relieving the parties interested of the embarrassments and disappointments arising from such neglect in the premises; therefore,

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch concurring therein):*

Unpub-  
lished acts  
not re-  
corded re-  
enacted  
and time  
extended  
for record-  
ing.

SECTION 1. That all unpublished acts heretofore passed that have become void on account of not being duly recorded in compliance with the provisions aforesaid and that have not by special acts been repealed or become void by lapse of the time for which they are limited, be and the same are hereby severally renewed and re-enacted, and together with the provisions therein contained are respectively declared to be in full force for the period mentioned in the original acts, and all acts and transactions done and performed under the provisions of said acts respectively shall have the same force and effect and be as valid to all intents and purposes as if the said acts had been severally recorded according to law. *Provided*, that this enactment shall not take effect in the case of any act that has become void as aforesaid until a certified copy thereof procured of the Secretary of State, shall be duly recorded in the Recorder's office of one of the counties of this State; *and provided further* that no such copy of a voided act shall be received for record after the expiration of one year after the passage of this act.

Acts valid.  
  
When act  
must be  
recorded.

OF THE PASSING AND PUBLICATION OF LAWS.

SECTION 2. That this act shall be deemed and taken to be a public act and be published as such.

*Approved March 17, A. D. 1898.*

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CHAPTER II.

OF THE PASSING AND PUBLICATION OF LAWS.

**AN ACT to revive and extend the time of recording Private Acts.**

WHEREAS, By Section 3 of Chapter 4 of the Revised Statutes of the State of Delaware, it is provided that private statutes (namely such as are not of a public nature or published as such) shall be recorded in the Recorder's office in one of the Counties of this State within twelve months after their passage or they shall be void ; and

WHEREAS, A number of the private and unpublished acts heretofore passed have been allowed to become void through ignorance of the aforesaid enactment ; therefore, for the purpose of relieving the parties interested of the embarrassments and disappointments arising from such neglect in the premises ; therefore

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

SECTION 1. That all unpublished acts heretofore passed that have become void on account of not being duly recorded in compliance with the provisions aforesaid and that have not by special acts been repealed or become void by lapse of the time for which they were limited, be and the same are hereby severally renewed and re-enacted, and together with the provisions therein contained are respectively declared to be in full force for the period mentioned in the original acts, and

Certain  
void acts  
re-enacted  
and time  
for record-  
ing ex-  
tended.

## OF JUDICIAL REPORTS.

Acts un-  
der made  
valid.

all acts and transactions done and performed under the provisions of said acts respectively shall have the same force and effect, and be as valid to all intents and purposes as if the said acts had been severally recorded according to law.

Certified  
copy to be  
recorded  
when.

*Provided*, that this enactment shall not take effect in the case of any act that has become void as aforesaid until a certified copy thereof, procured of the Secretary of State, shall be duly recorded in the Recorder's office of one of the Counties of this State; *and provided further*, that no such copy of a voided act shall be received for record after the expiration of one year from the passage of this Act.

SECTION 2. That this Act shall be deemed and taken to be a public act and be published as such.

*Approved June 1, A. D. 1898.*

## CHAPTER 12.

## OF JUDICIAL REPORTS.

AN ACT in relation to the publication of the report of the Decisions of James L. Wolcott, late Chancellor.

WHEREAS, In accordance with Chapter 223, Volume 14, Laws of Delaware being a Joint Resolution authorizing the publication of the reports of the Chancellor, the Chancellors of this State have collected, reported and from time to time published certain equity cases as therein provided; and

WHEREAS, James L. Wolcott, late Chancellor of this State died leaving certain cases determined by himself unpublished, which cases are altogether about sufficient to complete an additional Volume of Chancery reports; and

WHEREAS, The manuscripts of said cases are in the hands of James L. Wolcott, Jr., the administrator of said James L. Wolcott, deceased. Now therefore,

## OF JUDICIAL REPORTS.

*Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

SECTION 1. That James L. Wolcott, Jr., be and he is hereby authorized and requested to prepare for publication and publish the cases in equity determined by the said James L. Wolcott, as Chancellor, upon the same terms and subject to the requirements of the said resolution passed at Dover, March 29th, 1871, except as to the number of pages to be contained in such volume; and the said James L. Wolcott, Jr., shall have full power and authority to select such cases and other papers which came before the said James L. Wolcott as Chancellor, as in his discretion he may deem proper for publication.

Report of  
Chancery  
decisions  
of J. L.  
Wolcott to  
be pub-  
lished.

SECTION 2. That when the said report shall have been published, one hundred copies of the same shall be deposited in the office of the Secretary of State for the use of the State, and upon the certificate of the Secretary of State of such deposit, the State Treasurer shall pay to the said James L. Wolcott, Jr., eight hundred dollars out of any money in the State Treasury not otherwise appropriated, to cover the expenses of the publication of the said report, and shall pay to the said James L. Wolcott, Jr., the sum of one hundred dollars out of any moneys in the State Treasury not otherwise appropriated, for his services.

100 copies  
to be de-  
livered to  
Secretary  
of State.  
Payment  
for.  
Compen-  
sation to  
J. L. Wol-  
cott, Jr.

*Approved May 19, A. D. 1898.*

OF JUDICIAL REPORTS.

CHAPTER 13.

OF JUDICIAL REPORTS.

**AN ACT** authorizing the publication of the decisions of the Court of Errors and Appeals, the Superior Court, Court of General Sessions of the Peace and Jail Delivery and the Court of Oyer and Terminer from February 1, 1893, to June 10, 1897.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

Marvel's  
reports of  
decisions  
of law  
courts.

Delivery  
of copies.

Payment  
for.

SECTION 1. That David T. Marvel, be and he is hereby authorized to prepare for publication, and publish such decisions of the Superior Court, the Court of General Sessions of the Peace and Jail Delivery, the Court of Oyer and Terminer and the Court of Errors and Appeals from February 1st, 1893, to June 10th, 1897, as he shall consider important to be published ; and shall print and publish the same in volumes of not less than six hundred pages including an index. He shall deposit one hundred and ten copies of each volume of said reports in the State Library for the use of the State, and upon the certificate of the Secretary of State of such deposit the Governor shall draw his warrant upon the State Treasurer in favor of the said David T. Marvel to pay for the same at the price of ten dollars per copy, which shall be paid by the State Treasurer out of any funds not otherwise appropriated.

*Approved June 1, A. D. 1898.*

## TITLE SECOND.

### Of the Public Revenue ; and the Assessment, Collection and Appropriation of Taxes.

#### CHAPTER 14.

##### OF PUBLIC REVENUE.

AN ACT to amend an Act entitled, "An Act to regulate the business of Pawn Brokers and Junk Dealers within New Castle County," and to reenact the provisions of said Act.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

SECTION 1. That Section 1 of Chapter 374, Volume 20, of the Laws of Delaware, be and the same is hereby amended by inserting between the word "grant" and the word "license" in the second line of said Section the words, "an annual." That Section 1 be further amended by adding after the word "books" in the last line of Section 1 the words "or persons dealing in second-hand furniture." That said Chapter 374 be and the same is hereby further amended by striking out the word "two" at the end of the third line of Section 3. That said Section 3 be further amended by striking out the word "sureties" in the fourth line of said Section 3 and inserting in lieu thereof the word "surety." That said Chapter 374 be and the same is hereby further amended by striking out in the fourth and fifth lines of Section 9, the words "made at public auction and not otherwise." That said Chapter 374 be and the same is hereby further amended by striking out the words "except by sale at public auction as hereinbefore provided" in the fourth and fifth lines of Section 13. That said Chapter 374, Volume 20, of the Laws of Delaware, be and the same is hereby further amended by striking out Section 15, and inserting in lieu thereof a new Section 15, as follows :

Annual license for pawn brokers and junk dealers.

Exception from provisions of act.

Number of sureties not fixed.

Surety on bond.

Method of sale not limited.

Name.



## OF PUBLIC REVENUE.

**SECTION 15.** That no property of any kind received on deposit, by purchase, or as a pledge by any pawn broker shall be permitted to be removed from the place of business of such pawn broker for the period of six months from the time of such deposit, purchase, or pledge (except the same be redeemed by the owner) nor shall any property coming into the hands of any pawn broker or junk dealer be disfigured or its identity destroyed or affected in any manner so long as it continues in pawn or in the possession of such pawn broker, junk dealer or person engaged in the second-hand business.

**Preservation and holding of property.**

**SECTION 2.** That in the month of November in each year, it shall be the duty of the County Comptroller of New Castle County to audit the accounts of the Clerk of the Peace of the said County with pawn brokers and junk dealers, and to report in writing the result of his audit to the Levy Court Commissioners of New Castle County within thirty days thereafter.

**Audit of accounts of Clerk of the Peace.**

**SECTION 3.** That the provisions of Chapter 374, Volume 20, of the Laws of Delaware as hereby amended be and the same are hereby re-enacted.

*Approved March 10, A. D. 1898.*

## CHAPTER 15.

## OF PUBLIC REVENUE.

**AN ACT** to amend Chapter 374, Volume 20, Laws of Delaware, being an Act entitled "An Act to regulate the business of Pawn Brokers and Junk Dealers within New Castle County."

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

**SECTION 1.** That Section 20 of Chapter 374, Volume 20, Laws of Delaware, being an Act entitled "An Act to regulate the business of pawn brokers and junk dealers within New Castle County," be and the same is hereby amended by inserting in line four of said Section 20 after the word "of" and before the word "five" as they occur in said line of said Section the following, "not less than fifty dollars nor more than."

**Fine made discretionary within limits.**

*Approved June 1, A. D. 1898.*

OF PUBLIC REVENUE.

CHAPTER 16.

OF PUBLIC REVENUE.

**AN ACT** providing the fee to be paid the State by Justices of the Peace for their Commissions.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That the Secretary of State be and he is hereby authorized to demand and receive from each and every person hereafter appointed to the office of Justice of the Peace, for the commission, a fee of six dollars for the use of the State.

State fee  
for com-  
mission of  
Justice of  
the Peace.

SECTION 2. That all acts and parts of acts inconsistent with this act be and the same are hereby repealed.

*Approved March 17, A. D. 1898.*

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CHAPTER 17.

OF PUBLIC REVENUE.

**AN ACT** authorising and empowering the State Treasurer to borrow money for certain purposes.

WHEREAS, The expenses incident to the present session of the General Assembly made necessary by the new Constitution and the necessary appropriations for the purpose of raising the regiment of troops pursuant to the call of the President, and other demands on the Treasury of the State are largely in excess of the present revenues of the State; and

WHEREAS, The funds in the State Treasury to the credit of the General Fund are largely insufficient to meet the demands thereon; now therefore,

## OF PUBLIC REVENUE.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

State Treas-  
urer au-  
thorized to  
borrow  
\$50,000.

SECTION 1. That the State Treasurer be and he is hereby authorized and empowered to borrow for the use of the General Fund of the State, an amount of money not exceeding fifty thousand dollars, on the best terms that he can obtain and for such time as he may deem absolutely necessary, for the following purposes, viz :

Purposes  
of borrow-  
ing and  
uses.

The payment of the cost and expenses of the encampment of the National Guard of Delaware ; the expenses of the present Session of the General Assembly ; to pay to the school fund the amount which has been used therefrom for the benefit of the General Fund and to pay the salaries of State officers.

Public  
faith  
pledged to  
payment.

SECTION 2. That the public faith and credit is hereby expressly pledged to the full and complete payment of the principal and interest of the money so to be borrowed, under the provisions of this Act.

*Approved May 21, A. D. 1898.*

## CHAPTER 18.

## OF PUBLIC REVENUE.

AN ACT making appropriations for the expenses of the State Government other than Legislative expenses, for the fiscal year ending on Monday immediately preceding the second Tuesday of January in the year of our Lord one thousand eight hundred and ninety-nine.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, as follows :*

Amounts  
appro-  
priated to  
be paid by  
State Treas-  
urer.

SECTION 1. That the several amounts named in this Act or so much thereof as may be necessary, are hereby appropriated and authorized to be paid out of the Treasury of this State to the respective public officers, and for the several purposes specified for the current fiscal year ending on Monday

## OF PUBLIC REVENUE.

immediately preceding the second Tuesday of January in the year of our Lord one thousand eight hundred and ninety-nine, namely :

For the Governor for salary, two thousand dollars. For Governor's postage, stationery and expenses of Governor's office, one hundred and fifty dollars.

For the Secretary of State for salary, one thousand dollars. For indexing and preparing for publication laws of the adjourned Session of the Legislature, held in the year 1898, five hundred and fifty dollars. Secretary of State.

For the Stenographer and Typewriter for the Governor and Secretary of State for salary, three hundred and fifty dollars. Stenographer and typewriter.

For the State Librarian for salary, five hundred and fifty dollars. For current expenses of State Library, one hundred dollars. State Librarian.

For Judicial Reports for State Library, three hundred dollars. Judicial reports.

For the Janitor of the State House for salary, five hundred dollars. Janitor.

For the Chancellor for salary, three thousand and eight hundred dollars. Chancellor.

For the Chancellor for reporting, two hundred dollars. Same.

For the Chief Justice for salary, three thousand and eight hundred dollars. Chief Justice.

For the four Associate Judges for salaries, fourteen thousand and four hundred dollars. Associate Judges,

For the Associate Judge resident in Kent county for reporting, two hundred dollars.

For the two Judges under the late Constitution, who were not re-appointed under the recently amended Constitution, three thousand dollars. Ex-Judges

For the Court Stenographer for salary, one thousand and five hundred dollars. Court Stenographer.

For the State Treasurer and Trustee of the School Fund for salary, one thousand four hundred and fifty dollars. State Treasurer.

## OF PUBLIC REVENUE.

Same.	For the State Treasurer for postage, stationery, clerical assistance, &c., five hundred dollars.
Auditor of Accounts.	For the Auditor of Accounts for salary, one thousand and two hundred dollars.
Same.	For the Auditor of Accounts for postage, stationery, blanks and school reports, two hundred dollars.
Attorney General.	For the Attorney General for salary, two thousand dollars.
Same.	For the Attorney General to pay salary of the Deputy-Attorney General, seven hundred and fifty dollars.
Same.	For contingent expenses for the Attorney General, for obtaining evidence in capital cases and cases of burglary, two hundred dollars.
Insurance Commissioner.	For the Insurance Commissioner for the necessary expenses of his office, such as postage, stationery, etc., one hundred and fifty dollars.
State Detectives.	For the two State Detectives for salaries, two thousand and four hundred dollars.
Requisitions.	For actual expenses in serving requisition papers, three hundred dollars.
Fish Commissioner.	For the Fish Commissioner for salary and all necessary expenses incurred in the discharge of his official duties, five hundred dollars.
Superintendent of Schools.	For the three County Superintendents of Free Schools for salaries, three thousand dollars.
Registrars and associates.	For Registrars and Associate Registrars for compensation for their services, eleven thousand dollars.
Department of Elections.	For the Department of Elections for the City of Wilmington, three thousand and three hundred dollars.
Teachers' Institutes.	For the expenses of holding the White Teachers' Institutes in the several counties of the State, four hundred and fifty dollars.
Colored Teachers' Institute.	For the expenses of holding Colored Teachers' Institute, one hundred dollars.
Del. State Hospital at Farnhurst.	For the Delaware State Hospital at Farnhurst for the use and support thereof, forty thousand dollars.

## OF PUBLIC REVENUE.

For the purpose of carrying into effect the provisions of the Act entitled "An Act to provide for the maintenance, discipline and regulation of the National Guard of Delaware," passed at Dover, May 7, 1897, including the salary of the Adjutant General, five thousand dollars.

National  
Guard.

For the Town of Dover to pay for water furnished for the use of the State House, one hundred dollars.

For the Farmers' Institutes for the purpose of defraying incidental expenses of holding the same, six hundred dollars.

Farmers'  
Institutes.

For the State Board of Agriculture, three hundred dollars.

State  
Board of  
Agricul-  
ture.

For the Delaware Industrial School for Girls, one thousand and five hundred dollars.

Industrial  
School  
for Girls.

For the Peninsula Horticultural Society, three hundred dollars.

Peninsula  
Horticul-  
tural So-  
ciety.

For the State Board of Health, one thousand dollars.

Board of  
Health.

For the trustees of Delaware College for the use of said College, being its share of appropriations made by the General Government for the year 1898, nineteen thousand and two hundred dollars.

Delaware  
College.

For the trustees of the State College for Colored Students for the use of said college, being its share of appropriations made by the General Government for the year 1898, four thousand and eight hundred dollars.

State Col-  
lege for  
Colored  
Students.

For the burial of indigent soldiers, sailors or marines, six hundred dollars.

Indigent  
soldiers,  
&c.

For the Historical Society of Delaware for the use thereof, three hundred dollars.

Historical  
Society.

For the purpose of reimbursing the owners of diseased cattle killed under the provisions of Section 2 of the Act entitled "An Act to prevent the spread of contagious or infectious pleuro-pneumonia among the cattle of this State," and for all other expenses under said Act, two hundred dollars.

Pleuro-  
pneumo-  
nia.

For the purpose of defraying the expenses involved in carrying out the provisions of the Act entitled "An Act for the eradication of infectious and contagious diseases among the lower animals," and of the amendments thereof, one thousand dollars.

Infectious  
diseases in  
lower ani-  
mals.

## OF PUBLIC REVENUE.

- Insurance** For insurance against fire on property belonging to the State, one thousand dollars.
- Repairs.** For repairs on property belonging to the State, one hundred and fifty dollars.
- Printing.** For printing Acts and Resolutions of the General Assembly, and for all other printing done for the use and benefit of the State, including the books and papers to be furnished to the Registration Officers, ten thousand dollars.
- Deaf, dumb, blind and imbecile.** For the maintenance and instruction of the indigent deaf and dumb, and indigent blind, and indigent idiotic children, in Institutions outside of the State, five thousand dollars.
- Blind.** For the purchase of books, maps or other appliances for the use of the blind, one hundred dollars.
- President of Board of Trustees at Farnhurst.** For the President of the Board of Trustees of the State Hospital at Farnhurst, for visiting the Institutions outside of this State in which are being instructed at the expense of the State, indigent deaf and dumb, indigent blind and indigent idiotic children, and for making report to the Governor concerning the same, one hundred dollars.
- School Fund.** For the benefit of the Free Public Schools and in addition to the income arising from investments of the Public School Fund to be used exclusively for the payment of Teachers' salaries and for furnishing Free Text Books, one hundred thousand dollars.
- Delinquents in House of Refuge.** For the education and training of juvenile delinquents committed from this State to the House of Refuge in the City of Philadelphia and State of Pennsylvania under the provisions of the Act, entitled "An Act to provide for the education and training of juvenile delinquents," passed at Dover, March 9, 1883, three hundred dollars.
- Interest.** For the purpose of paying interest on the indebtedness of the State, thirty thousand four hundred and sixty dollars.
- School expenses.** For the purpose of paying the expenses of the State Board of Education and also the expenses of the County School Commissions under the Act entitled "An Act providing for the establishment of a General System for Free Public Schools," passed at the Adjourned Session of the Legislature held in the year 1898, one thousand five hundred and seventy-five dollars.

## OF PUBLIC REVENUE.

For the purpose of paying James L. Wolcott for one hundred copies of Delaware Chancery Reports, being the decisions of his late father while chancellor, and for his services in getting out said reports, nine hundred dollars. James L. Wolcott.

For the purpose of paying David T. Marvel for one hundred and ten copies of Marvel's Delaware State Reports, one thousand and one hundred dollars. David T. Marvel.

For the purpose of paying the Secretary of State for furnishing new seals for the Courts provided in the Act entitled "An Act concerning the Seals of the Courts," passed at the Adjourned Session of the Legislature held in the year 1898, one hundred and fifty dollars. Secretary of State.

For the purpose of paying the expenses under the provisions of the Act entitled "An Act providing for the appointment of a committee to make necessary repairs in the roof of the State House, to have the outside of the State House repainted, and to purchase necessary furniture for the different offices, halls and rooms of the State House, and appropriating three thousand dollars for the payment of the same," passed at the Adjourned Session of the Legislature held in the year 1898, three thousand dollars. Repairs and furnishing State House.

*Approved June 1, A. D. 1898.*



## OF PUBLIC REVENUE.

## CHAPTER 19.

## OF PUBLIC REVENUE.

A supplement to an Act, entitled "An Act making appropriations for the expenses of the State Government other than Legislative expenses for the fiscal year ending on Monday immediately preceding the second Tuesday of January in the year of our Lord one thousand eight hundred and ninety-nine."

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

\$350 appropriated to additional Court Stenographer.

SECTION 1. That there is hereby appropriated out of any moneys in the General Fund in the Treasury of the State of Delaware, not otherwise appropriated, the sum of three hundred and fifty dollars, or so much thereof as may be necessary for the purpose of paying for the services of the additional Court Stenographer and for making copies of the proceedings in cases of appeal to the Supreme Court.

*Approved June 1, A. D. 1898.*

## CHAPTER 20.

## OF PUBLIC REVENUE.

An ACT appropriating certain money out of the State Treasury of this State to pay certain claims against the State.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

Appropriation for paying claims against State.

SECTION 1. That the several sums of money hereinafter named are hereby appropriated out of the Treasury of this State for the purpose of paying the claims hereinafter mentioned, and the State Treasurer is hereby authorized and directed to pay the same, that is to say :

To Every Evening Printing Co., for printing,	. \$900 00
To News Publishing Co., for printing,	. 650 00
To State Sentinel Printing Co., for printing,	. 498 06

## OF PUBLIC REVENUE.

To Sussex Journal, for printing, . . . . .	\$667 22	Claims.
To Times Publishing Co., for printing, . . . . .	21 00	
To Delaware Pilot, for printing, . . . . .	90 95	
To Wilmington Freie Presse, for printing, . . . . .	27 15	
To the Estate of H. L. Hynson, late editor Peninsular News & Advertiser, for printing . . . . .	11 89	
To M. L. Hydorn, editor Peninsular News & Advertiser, for printing . . . . .	18 40	
To C. F. Thomas & Co., for blank books, . . . . .	27 20	
To P. K. Meredith, for postage stamps and stationery used by Insurance Commissioner, . . . . .	10 00	
To J. S. Godwin, for hauling for State House, . . . . .	8 70	
To Joseph T. Potter, for work and labor done on State Guard Boat, . . . . .	22 79	
To Delaware Farm & Home, for printing, . . . . .	5 00	
To the Smyrna Times, for printing, . . . . .	71 48	
To John P. Donahoe, for obtaining delinquent lists of licenses, . . . . .	70 90	
To Lewis Dickey, for obtaining delinquent lists of licenses, . . . . .	60 00	
To the Star Publishing Co., for printing, . . . . .	450 00	
To State Librarian Jefferson, for extra work on State House, . . . . .	250 00	
To Richard B. Cooper, Janitor, for extra work on State House, . . . . .	110 00	
To The Delawarean, for printing, . . . . .	702 59	
To Layton & Layton, for stationery and stamps, . . . . .	341 93	
To Dr. Edward Fowler, Insurance Commissioner, stamps and stationery, . . . . .	47 02	
To Dr. Edward Frank Hearn, for copying book for School Superintendent Knowles, . . . . .	2 00	
To Sussex Republican, for printing, . . . . .	436 38	
To Theo. Townsend, for printing, . . . . .	145 45	
To The Delaware Democrat, for printing, . . . . .	213 27	
To Slaughter & Bice, for supplies for State House, . . . . .	150 92	
To Diamond State Telephone Co., for telephone in State House, . . . . .	20 00	
To Dover Gas Light Co., for gas for State House, . . . . .	214 71	
To The Delaware Democrat, for printing, . . . . .	20 00	
To Julian B. Robinson, for blank books, . . . . .	16 50	
To Satterfield & Faucett, for supplies for State House, . . . . .	11 15	

## OF PUBLIC REVENUE.

Claims.	To Thos. Rossiter, for printing, . . . . .	\$ 10 50
	To J. Frank Wilds, for reports on Direct Tax distribution, . . . . .	500 00
	To The Star Publishing Co., for printing, . . . . .	316 00
	To The Herald (Milford), for printing, . . . . .	125 00
	To James Kirk & Son, for printing, . . . . .	400 00
	To Dr. Edward Fowler, for stamps, . . . . .	5 00
	To James A. Clifton, for supplies and work done on State House, . . . . .	131 65
	To Freeman & Webber, for printing, . . . . .	49 03
	<i>Approved June 9, A. D. 1898.</i>	

## CHAPTER 21.

## OF PUBLIC REVENUE.

AN ACT to appropriate money to compensate the Recorder of Deeds for New Castle County for recording report, field notes, description of monuments, maps and other items of interest relating to the boundary between the State of Delaware and the Commonwealth of Pennsylvania.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That the sum of eight hundred dollars be and the same is hereby appropriated to the Recorder of Deeds C. C. Montgomery, of New Castle County, for recording report, field notes, description of monuments, maps, and other items of interest relating to the boundary between the State of Delaware and the Commonwealth of Pennsylvania, and the State Treasurer is hereby authorized and directed to pay the same.

*Approved June 1, A. D. 1898.*

\$800 to be paid to C. C. Montgomery for recording boundary papers

## OF THE LEVY COURT.

## CHAPTER 22.

## OF THE LEVY COURT.

**AN ACT Reorganizing the Levy Court of Kent County, and Defining its Powers and Duties.**

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

SECTION 1. That from and after the first Monday in June, A. D. 1898, the Levy Court of Kent county as now organized and constituted, be and the same shall be abolished, and the terms, duties and powers of office of the Levy Court Commissioners now composing the Levy Court of Kent county are hereby declared to be terminated and ended on the said first Monday in June, A. D. 1898.

SECTION 2. That from and after the said first Monday in June, A. D. 1898, the Levy Court of Kent County shall be composed of ten members, one[*of*] whom shall be chosen from each of the ten Representative Districts into which Kent county is divided by the Constitution of this State, in the manner hereinafter provided.

SECTION 3. That in order to carry into effect the purposes of this act, James T. Truax, be and he is hereby appointed Levy Court Commissioner for Representative District number one, James A. Clifton for number five, John C. Gruwell for number six, Joseph A. Frear for number seven, and Walter L. Jones for number nine, who shall hold their office respectively until the first Tuesday in February, A. D. 1901, and until their successors shall be duly elected and qualified. That David M. Clouds be and he is hereby appointed Levy Court Commissioner for Representative District number two, Henry E. Mabrey for number three, Benjamin C. Cabbage for number four, Nathaniel J. Lank for number eight, and Joshua D. Hill for number ten, who shall hold their office respectively until the first Tuesday in February, A. D. 1899, and until their successors are duly elected and qualified.

## OF THE LEVY COURT.

Election of certain members. Qualifications. Districts.	<p><b>SECTION 4.</b> That at the general election to be held in the year A. D. 1898 and every fourth year thereafter, there shall be elected for the term of four years from among the resident freeholders from each of the Representative Districts to wit: numbers two, three, four, eight and ten by the qualified voters thereof, one person to be Levy Court Commissioner of Kent County. The persons elected at the said general election in the year A. D. 1898 shall hold their respective offices until the first Tuesday in February, A. D. 1903 and until their successors are duly elected and qualified. And at the general election to be held in the year A. D. 1900 and every fourth year thereafter, there shall be elected for the term of four years from among the resident freeholders in each of the following Representative Districts, to wit: numbers one, five, six, seven, and nine by the qualified voters thereof, one person to be a Levy Court Commissioner of Kent County. The persons elected at the said general election in the year A. D. 1900 shall hold their respective offices until the first Tuesday in February, A. D. 1905 and until their successors are duly elected and qualified.</p>
Term of office.	
Election of other members. Districts.	
Term of office.	
Meeting for organization.	<p><b>SECTION 5.</b> The persons appointed Levy Court Commissioners under the provisions of this act shall meet for organization on the second Tuesday in June, A. D. 1898, and shall take the oath of office now provided by law for Levy Court Commissioners; and shall organize by electing one of their number presiding officer, and in case any two of said Levy Court Commissioners shall receive an equal and highest number of votes for said presiding officer, and in case there shall be a tie vote on any other question whatsoever, (all the members of said Levy Court being present and voting) the Clerk of the Peace of Kent County, or such other person as may hereafter be the Clerk of said Levy Court, shall have the deciding vote. Six of said Levy Court Commissioners shall be sufficient for organization and shall constitute a quorum for the transaction of business. The said Levy Court Commissioners shall have power to make rules for their government not inconsistent with the Constitution and laws of the State of Delaware; and after their said first meeting they shall meet at the County Building in the town of Dover on the first Tuesday in each and every month in each and every year, excepting the months of June, July, August and September. In case</p>
Oath. Organization.	
Tie vote.	
Quorum.	
Rules.	
Meetings.	

## OF THE LEVY COURT.

of death, resignation or removal from the district of any commissioner elected or appointed under the provisions of this act, it shall be the duty of the Governor to appoint some suitable person to fill such unexpired term, having the qualifications hereinbefore required in that behalf. The Levy Court Commissioners appointed and to be elected under the provisions of this act, shall have full and complete jurisdiction over all and every the matters and things now vested by law in the Levy Court of Kent County as at present constituted, and in the several members thereof, and shall exercise every power, privilege, right and duty which now belongs to the Levy Court of Kent County, as fully and completely as the Levy Court now by law is authorized to do, except as the same is or may be modified by the provisions of this act. Should any two or more persons voted for as Levy Court Commissioners of any district receive an equal and highest number of votes cast at any election, the Board of Canvass shall certify the fact to the Governor, who shall forthwith select one of said persons to be Levy Court Commissioner from said district, who shall hold the said office for two years from the first Tuesday in February then next, and at the general election then next to be held in said county a successor shall be elected in said district for the unexpired term of two years. The Levy Court Commissioners appointed and to be elected, under the provisions of this act shall be paid as compensation for their services the yearly sum of two hundred dollars, in quarterly installments of fifty dollars each, in lieu of all other compensation, by warrants duly drawn on the County Treasurer. That it shall be the duty of the present Levy Court of Kent county and every commissioner thereof, and every person having control or possession of any records, books, papers or other property belonging to the said Levy Court of said county, on the said first Tuesday in June A. D. 1898, to surrender and deposit the same with the Clerk of the Peace of the said county, who shall keep the same subject to the control of the Levy Court Commissioners appointed under the provisions of this act. And in case the said Levy Court or any commissioner thereof, or any other person having possession thereof as aforesaid, shall neglect or refuse on demand of said Levy Court Commissioners appointed as aforesaid to surrender and deliver up such records, books, papers or other property to the said Clerk of the Peace in and for Kent county, such and every person so neglecting and refus-

Vacancies, how filled.

Qualifications.

Jurisdiction and powers.

Tie vote.

Decision of the vote.

Election of successor.

Compensation.

Surrender and deposit of books, records, &amp;c.

Duty of Clerk of the Peace.

Neglect or refusal to surrender books, &amp;c.

## OF THE LEVY COURT.

ing as aforesaid shall be guilty of a misdemeanor and upon conviction thereof shall forfeit and pay a fine of five hundred dollars and be imprisoned for the term of one year or until the said records, books, papers or other property shall be delivered into the custody of the said Levy Court Commissioner.

**Penalty.** **Collectors.** **Appoint-ment of.** **Number, Districts.** **Powers and duties.** **Duties of.** **Errors, delinquents, &c.** **Collectors in arrears, ineligible to re-appoint-ment.**

SECTION 6. That the said Levy Court Commissioners at their meeting in March, A. D. 1898, and in each and every year thereafter, after having settled with the collectors of the said several districts as hereinafter provided, shall appoint for each of the said ten representative districts one qualified voter resident therein, to be collector of taxes of said district for the year in which he shall be appointed, who shall have all the power and authority and be subject to all the requirements, qualifications and duties heretofore imposed upon collectors of taxes in and for the County aforesaid. It shall be the duty of said several collectors in said county to make a full and complete settlement with the said Levy court in January in each and every year, at which time the said Levy Court shall allow each of said collectors such errors, delinquents and uncollectable taxes as it shall deem meet and proper. After such errors, delinquents and uncollectable taxes and the per centum hereinbefore provided for shall be allowed and deducted from the aggregate amount of the duplicate delivered to each of said collectors, if then any or all of said collectors are in arrears to said county, such collector or collectors as are so in arrears shall be ineligible for re-appointment unless such arrearages shall be immediately paid over to the County Treasurer of said County.

**Termination of terms of Trustees of the Poor.** **Appoint-ment of Districts.** **How appointed. Number. Term.**

SECTION 7. That from and after the said first Tuesday in February, A. D. 1899, the terms of office of the several trustees of the poor theretofore appointed by the said Levy Court of Kent county shall then be terminated and ended and the Levy Court Commissioners appointed and to be elected by and under the authority of this act, be and they are hereby authorized and directed, and it shall be their duty to appoint for each of said representative districts a qualified voter of and a resident in the district, and the persons so appointed shall compose the trustees of the poor for Kent County. The said Levy Court shall at its first meeting in February, A. D. 1899, appoint from the even numbered districts five trustees of the poor who shall serve until the February meeting of the said Levy Court in

## OF THE LEVY COURT.

the year A. D. 1900, when their successors shall be appointed Successors by the said Levy Court for the term of two years, and likewise Term. every two years thereafter. And five other trustees shall be Appoint- appointed by said Levy Court at its first said meeting in Feb- ment of ruary A. D. 1899, from the odd numbered districts, who shall others. serve until the February meeting of the said Levy Court in Term. the year A. D. 1901, when their successors shall be appointed Successors by the said Levy Court for the term of two years and likewise Term. every two years thereafter. In case of a vacancy or vacancies Vacancies happening by death or otherwise the Levy Court shall at any meeting thereof fill the same for the unexpired term. In addition to the powers and duties now possessed and imposed Additional upon the trustees of the poor of Kent county aforesaid, it shall of be their duty to certify to the Levy Court on or before the first Tuesday in March A. D. 1899, and in each and every year thereafter an estimated amount of the appropriation which it will require for the maintenance of the Almshouse for the year succeeding, beyond the produce and income derived from the Almshouse farm; and the said Levy Court shall levy a proper Taxation rate for that purpose, to be levied with the other county rates, for and to be collected by the county collector of said county as almshouse provided by this act. Collection

SECTION 8. That for all work and labor required to be Contracts done upon the public roads of said county, or for the con- for work, struction, repairs and maintenance of bridges which are main- materials, tained at public expense, and for materials, tools, implements &c. and machinery to be furnished, had, used, for, or on account of said county, where the cost in any particular case, section or district which may be established by said Levy Court which will probably exceed the sum of two hundred dollars, the Levy Exceeding Court shall publicly invite sealed proposals for the doing of \$200. such work and for the furnishing of such materials, tools, Bids. implements and machinery, and shall give the contract to the lowest, competent and responsible bidder or bidders, and the Award of said Levy Court shall require of such bidder or bidders a contract. bond to the State of Delaware in double the amount of such Bond for bid with surety or sureties to be approved by the said Levy faithful Court for the faithful performance of such contract. performance.

SECTION 9. That it shall be the duty of the said Levy Overseers Court of Kent county, at its meeting in March A. D. 1899, of Roads. and in each and every year thereafter, to appoint for each of



## OF THE LEVY COURT.

Appoint-  
ment from  
districts.  
Duties of.  
Roads on  
dividing  
lines of  
districts.  
Settle-  
ment.  
Place.  
Notice.  
Report of  
settlement  
No per  
diem.

said ten representative districts one or more qualified voters resident therein to be overseer or overseers of roads whose duties, powers, qualifications and requirements shall be the same as now required and imposed by law upon road overseers, except as herein provided. *Provided*, that said Levy Court shall not assign to any of said road overseers a road lying partly in two or more districts. *And provided further*, that where a road is the dividing line between two districts an overseer therefor may be appointed from either district. And it shall be the duty of each of said Levy Court Commissioners on such day or days in February A. D. 1899, as he shall designate, and in each and every year thereafter, to settle with the said road overseers in his district at some central and convenient place to be by him designated, notice of which time and place of meeting shall be given to each of said several road overseers by each of said Levy Court Commissioners, either in person or by letter, at least ten days before the time of meeting, and the said Levy Court Commissioners shall make a report in writing to said Levy Court at its next session, which said report shall show an itemized statement of all moneys received and expended by each of said road overseers, accompanied by vouchers and receipts for all items. *Provided* that no per diem or mileage shall be allowed to any road overseer or Levy Court Commissioner for or on account of attending said meeting.

Consta-  
bles.  
Appoint-  
ment.  
Districts.  
Qualifica-  
tions.  
Powers  
and duties

SECTION 10. That the said Levy Court shall, on the first Tuesday in March, A. D. 1899, and in each and every year thereafter, appoint for each of the said several ten representative districts, at least one and not more than three qualified voters, resident therein, to be constable or constables for the said district for the year in which they shall be appointed, and who shall have all the power and authority, and shall be subject to all the requirements, qualifications and duties heretofore imposed or obligated by law, upon constables in and for the county aforesaid.

Jurors.  
Apportionment

SECTION 11. The said Levy Court in selecting grand and petit jurors shall apportion the number required by law among the several representative districts equally.

Majority  
vote to

SECTION 12. That the votes of a majority of all the members elected to said Levy Court shall be necessary to elect or

## OF THE LEVY COURT.

appoint all officers that said Levy Court is now or may be hereafter authorized by law to elect or appoint. *Provided that* in case of a tie between the two candidates receiving the highest number of votes, the Clerk of the Peace of said Kent county, or such other person as may hereafter be the Clerk of said Levy Court shall have the deciding vote, as hereinbefore provided for.

SECTION 13. That all existing laws in relation to the Levy Court of Kent county shall be applicable to the Levy Court of Kent county as composed and constituted under the provisions of this act, so far as they are consistent herewith.

SECTION 14. All acts or parts of acts inconsistent with this act are hereby repealed.

*Approved May 19, A. D. 1898.*

## CHAPTER 23.

## OF THE LEVY COURT.

**AN ACT providing for the Assessment and Collection of a Capitation Tax.**

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

SECTION 1. That it shall be the duty of the Levy Courts of the respective counties of this State at the April Session, A. D. 1898, to assess and levy a capitation tax upon each and every male citizen of the age of twenty-one years or upwards, whose name shall appear upon the assessment books of their county.

Such capitation tax shall in no case exceed the sum of one dollar and twenty-five cents nor be less than the sum of twenty-five cents, and shall be uniform throughout the County in which the same is levied and assessed, and it shall be the further duty of the the said Levy Courts of the respective

## OF THE LEVY COURT.

**Rate.** counties of this State, at their October sessions annually hereafter, to fix and determine the amount of the capitation tax which the assessors shall assess for the year thence next following, said amount shall be neither greater nor less than is in this section hereinbefore prescribed.

**Duties of assessors.** SECTION 2. That it shall be the duty of every assessor in the respective counties of this State hereafter, in making their assessments to assess every male citizen of the age of twenty-one years or upwards, residing within his assessment district, with the capitation tax which the Levy Court of his county shall have, previous to such assessment fixed and determined as being the proper sum for such capitation tax.

**Powers of Collectors.** SECTION 3. The collectors in the respective counties of this State shall have the same power to enforce the payment of the capitation tax assessed and levied by the provisions of this act as they have for the collection of county taxes.

*Approved April 21, A. D. 1898.*

## CHAPTER 24.

## OF THE LEVY COURT.

An Act to amend Chapter 381, Volume 20, Laws of Delaware, entitled "An Act to Equalize Taxation for State and County Purposes."

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

**Investments of Savings Banks assessed.** SECTION 1. Amend Section 2 of said Chapter by striking out in the twenty-seventh and twenty-eighth lines thereof the words "all investments by Savings Banks and."

SECTION 2. Amend said Chapter by striking out all of Section 3 thereof and inserting in lieu thereof as Section 3 thereof the following, viz:

**Property assessed** "SECTION 3. All classes of property herein named and made subject to taxation shall be assessed and taxed whether

## OF THE LEVY COURT.

the same be situated in this State or elsewhere, and whether the same be held as owner or in trust for the owner in any capacity whatsoever, and the person owning, holding, or controlling the same shall, at the request of the assessor, be required to make returns thereof to the assessor of his hundred or assessment district, showing distinctly where the same is situated, owned or held and the owner thereof. And when said returns are received by the assessors they shall be arranged alphabetically in lists separate from the list of other taxable property; *provided, however*, that any investment liable to assessment and taxation by this act, which is taxed in any other State or county is expressly exempted from the provisions of this act." Returns.  
Alphabet-  
ical lists.  
Invest-  
ments ex-  
empted.

SECTION 3. Amend Section 4 of said Chapter by inserting between the word "oath" and the word "to" in the fourth line thereof the following words, viz: "or affirmation." Affirma-  
tion.

SECTION 4. Amend Section 5 of said Chapter by inserting between the word "any" and the word "officer" in the first line thereof the following words, viz: "Persons owning, holding or controlling any investment liable to taxation under this act." Failure to  
make  
return.

SECTION 5. Amend the said Chapter by striking out all of Section 10 thereof. Affidavits  
at time of  
suit not  
required.

SECTION 6. Amend Section 11 of said Chapter by inserting between the word "thereto" and the word "an" in the fifth line thereof the following words, viz: "An affirmation or." Affirma-  
tion.

SECTION 7. Amend the said Chapter by striking out all of Section 12 thereof and inserting in lieu thereof the following, viz:

"SECTION 12. That of the moneys which shall be levied and collected under the provisions of this act in Sussex county, one fourth thereof shall be for the use of the State and the other three-fourths thereof for the use of Sussex county; that of the moneys which shall be levied and collected under the provisions of this act in Kent county, one-fourth thereof shall be for the use of the State and the other three-fourths thereof for the use of Kent county; that of the

## OF THE LEVY COURT.

New Castle Co. moneys which shall be levied and collected under the provisions of this act in New Castle county without the limits of the City of Wilmington, one-fourth thereof shall be for the use of the State and the other three-fourths thereof shall be for the use of New Castle county; and that of the moneys which shall be levied and collected under the provisions of this act, within the limits of the City of Wilmington, one-fourth thereof shall be for the use of the State and another one-fourth thereof shall be for the use of New Castle county and the remaining two-fourths thereof shall be for the use of 'The Mayor and Council of Wilmington.' And the County Treasurer of each of the several counties shall quarterly pay over to the State Treasurer all moneys which shall have come to his hands for the use of the State under the provisions of this act. And the County Treasurer of New Castle county shall quarterly pay over to the Treasurer of 'The Mayor and Council of Wilmington,' all moneys which shall have come into his hands for the use of the said 'The Mayor and Council of Wilmington,' under the provisions of this act.

Separate accounts and duplicates. "In assessing and collecting the taxes provided for in this act, the assessments duplicates, and accounts shall be kept separate and distinct from assessments, duplicates, and accounts of all other assessments and taxes, provided for by the laws of this State. And each of said County Treasurers shall on or before the first day of June, A. D. 1898, enter into an additional bond to the State of Delaware in the sum of five thousand dollars, to secure all moneys which shall come into his hands under the provisions of this act, which said bond shall be approved in the same manner and by the same persons as the bonds of County Treasurers are now required by law in their respective counties."

Bond of County Treasurer.

Approval.

SECTION 8. Amend the said Chapter by striking out all of Section 14 thereof, and inserting in lieu thereof the following, viz :

Returns under oath or affirmation.

Who to administer oath.

"Section 14. The assessors in making the assessments of the investments liable to taxation under this act, shall require any person making return of property as hereinbefore provided, to make said return under oath or affirmation, signed by the person making the return. Said assessors are hereby authorized and empowered to administer any oath or affirmation required by any of the provisions of this act."

## OF THE LEVY COURT.

SECTION 9. Further amend the said Chapter as the same is in this act amended by changing the number of Section 11 thereof to 10, and the number of Section 12 thereof to 11, and the number of Section 13 thereof to 12, and the number of new Section 14 thereof to 13. Number of sections changed.

SECTION 10. Further amend the said Chapter by adding at the end thereof as Section 14 the following, viz :

"SECTION 14. The Levy Court shall on the first day of November Session, give to the assessors instructions as to the meaning and intent of this act, and shall prescribe and provide forms for their return ; and the said courts may in case of necessity appoint another day or other days for appearance of the assessors or any of them to receive the aforesaid instructions." Instructions to assessors. Returns. Other days for appearance.

SECTION 11. Further amend said Chapter by adding thereto as Section 15 thereof the following, viz :

"SECTION 15. If any assessor shall fail or refuse to make the assessment provided for under the provisions of this act, or shall fail to make his returns to the Levy Court on the days and times herein provided, or shall fail or refuse to perform any duties required of him by any of the provisions of this act, he shall be guilty of a misdemeanor and upon conviction thereof, shall pay a fine of not less than one hundred dollars nor more than five hundred dollars or be imprisoned not less than ten days nor more than six months." Failure or refusal to make assessment or returns. Misdemeanor. Penalty.

SECTION 12. Further amend said Chapter by adding thereto the following Section as Section 16 thereof, viz :

"SECTION 16. The form of return provided for in Section 14, shall contain in separate columns : First, the names of taxables ; second, of the stocks ; third, of the bonds ; fourth, of the mortgages ; fifth, of the miscellaneous investments ; sixth, the aggregate sum ; and the seventh column shall be reserved as a space for remarks." Form and contents of returns.

SECTION 13. Further amend said Chapter by adding thereto as Section 17 thereof, the following, viz :

"SECTION 17. That this act shall apply to assessors, whose duty it was to return the assessments to the Levy Court at its February, A. D. 1898, Session. And all the assessments Applicable to assessment of 1898.

## OF THE LEVY COURT.

When  
made and  
returned.

which should have been made and returned to the Levy Court at the said February Session, shall be made and returned to the Levy Court at any time prior to the twenty-sixth day of June, A. D. 1898. And the Levy Courts shall immediately upon the passage of this act instruct the said assessors as to their duties under this act."

Instruc-  
tions to  
assessors.

SECTION 14. Further amend said Chapter by adding thereto as Section 18 thereof, the following, viz :

Annual  
assess-  
ments.

"SECTION 18. The assessments provided for under this act shall be made annually throughout the State."

SECTION 15. Further amend said Chapter by adding thereto as Section 19 the following, viz :

Who to  
make cer-  
tain affi-  
davits.

"SECTION 19. That if any affidavits required by this act, the president, secretary and treasurer or cashier of a corporation may make the same on behalf of said corporation, or any member of a firm or partnership on behalf of said firm or partnership."

SECTION 16. Further amend said Chapter by adding thereto as Section 20 the following, viz :

Attorneys-  
at law to  
adminis-  
ter oaths.

"SECTION 20. That any attorney-at-law admitted to practice in the Courts of this State shall have full power and authority and may administer the oath or affidavit required by any provisions of this act."

SECTION 17. Further amend said Chapter by adding thereto as Section 21 the following, viz :

Compens-  
ation of  
collectors.

"SECTION 21. That the Levy Court in the several counties are hereby authorized to fix the rate or amount of compensation to be allowed to the collectors for the performance of their duties under this act."

SECTION 18. Further amend said Chapter by adding thereto as Section 22 the following, viz :

Publica-  
tion of act.

"SECTION 22. That in making publication of the laws enacted at the present session of the General Assembly the Secretary of State shall publish the act to which these amendments are added as the said act is hereby amended."

## OF THE LEVY COURT.

SECTION 19. Further amend said Chapter by adding thereto as Section 23 the following, viz :

"SECTION 23. All acts or parts of acts inconsistent with this act are hereby repealed."

*Approved May 25th, A. D. 1898.*

## CHAPTER 25.

## OF THE LEVY COURT.

CHAPTER 381 of Vol. 20, as amended—An Act to equalize Taxation for State and County Purposes.

WHEREAS, It is but just that the burden of taxation should be adjusted and distributed so that it may bear equally upon all according to the value of every man's estate ; and

WHEREAS The present system of taxation is unjust and oppressive, in that it taxes most the property least profitable and relieves altogether that which produces the greatest income ; and

WHEREAS, Every consideration of justice, equality and fair play, requires that all property paying interest or yielding an income should be taxed and made to bear a fair share of the burdens of the Government ; therefore,

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

SECTION 1. That in addition to the real and personal property now liable to be taxed under existing laws, it shall be the duty of the assessor of the various hundreds or assessment districts in this State to assess at three-fourths their actual cash value all investments paying interest or yielding an income and which are not now taxed for either State or county purposes, or exempted by this act, and the same shall be taxed for all State and county purposes.

Interest  
paying in-  
vestments  
to be  
assessed  
by county  
assessors  
at three-  
fourths  
cash value



## OF THE LEVY COURT.

Kind of  
invest-  
ments to  
be as-  
sessed.

SECTION 2. Under the head "Investments" the following kinds are included: All bonds for the payment of money, mortgages, stocks of every kind, not herein expressly excepted; all judgments, recognizances and decrees for the payment of money; all judgment notes and certificates of indebtedness (except such as are given in good faith for goods sold and delivered, for wages and such judgment note or other evidence of indebtedness, as may be given for short periods in the course of business and not used or intended as investments); all alienation bonds bearing interest, or when the interest is included in the body thereof; all interest-bearing loans to any person, firm, company, limited partnership, bank, banking association and corporation of whatsoever kind, whether doing business in this State or elsewhere. Payment of interest in advance or adding it to the principal shall in no case exempt the lender or creditor from the payment of the tax. The following are excepted and excluded from the operation of this act: All loans and evidence of indebtedness of the United States, of the State of Delaware or of any of the counties thereof; of religious or benevolent associations whose real estate is by law exempt; and of such other securities as are now exempt by express provisions of law; all loans which are made to local manufacturing companies, hypothecated upon the real estate of such companies, when their real estate is expressly exempt by law; all stocks, bonds and mortgages in educational, charitable, benevolent or cemetery institutions, whether incorporated or not, and \* \* \* \* \*  
\* \* \* shares of building and loan associations and investments made by them.

Invest-  
ments  
exempt  
from as-  
sessment.

Property  
assessed.

"SECTION 3. All classes of property herein named and made subject to taxation shall be assessed and taxed whether the same be situated in this State or elsewhere, and whether the same be held as owner or in trust for the owner in any capacity whatsoever and the person owning, holding or controlling the same shall, at the request of the assessor, be required to make returns thereof to the assessor of his hundred or assessment district, showing distinctly where the same is situated, owned or held and the owner thereof. And when said returns are received by the assessors they shall be arranged alphabetically in lists separate from the list of other taxable property; *provided, however*, that any investment

Returns.

Alphabet-  
ical lists.

## OF THE LEVY COURT.

liable to assessment and taxation by this act, which is taxed in any other State or county is expressly exempted from the provisions of this act." Investments excepted.

SECTION 4. The president and secretary of all corporations and associations liable to taxation under this act, shall, on the first day of December in each year, make their respective returns under oath [or affirmation] to the assessor of the hundred or assessment district in which the principal office or business place of the corporation or association is situated ; which return shall show the whole number of shares in each of said corporation or association, the market value of each share and the aggregate market or real value of all the shares, with the name of the owner and the number of shares owned by each respectively. President and secretary of corporations to make return to assessor on Dec. 1 of each year. Contents of return.

SECTION 5. Any [persons owning, holding or controlling any investment liable to taxation under this act] officer of any corporation or association failing to make return or report as herein required shall be guilty of a misdemeanor, and upon conviction thereof shall pay a fine of not less than ten nor more than five hundred dollars, or to be imprisoned not less than ten days nor more than six months. Failing. Punishment.

SECTION 6. The intention of this act being to tax the owners and investors of capital and not the borrowers or debtors ; therefore, every individual person, corporation, company or association whatever and every officer thereof, asking, demanding, contracting for or receiving any money or consideration whatever on account of said tax, in reduction thereof or otherwise, or who shall by any device whatsoever impose or try to impose such tax or any part thereof upon any debtor whomsoever, under any pretext whatsoever, shall be guilty of a misdemeanor, and shall, upon conviction thereof, be fined in any sum not less than one hundred dollars nor more than one thousand dollars and costs. Lender to pay tax. Misdemeanor to permit borrower to pay. Punishment.

SECTION 7. Each and every debtor by bond, judgment, mortgage, recognizance, decree or otherwise (whose debt is liable to taxation under this act), when the creditor is a non-resident of the county or State, shall be liable for the tax on his debt, in the first instance ; but upon payment thereof, he shall be entitled and it shall be his duty to deduct the same from the interest due or accruing thereon ; and any such Debtor or non-resident creditor must pay tax and deduct from interest. Credit refusing to allow

## OF THE LEVY COURT.

forfeited of interest. Must pay tax before interest. creditor refusing to allow such credit on taxes so paid shall forfeit all accrued interest; and no debtor shall remit or make any payment to his creditor out of the State until the tax imposed upon his said debt by this act has been paid.

Assessors' and collectors' powers.

SECTION 8. In making the assessment and collecting the taxes assessed under this act, the assessors and collectors shall respectively have all the power and authority now by law conferred upon them in the assessment and collection of taxes in addition to what is conferred by this act. And the public offices of the respective counties and the records thereof, during business hours, shall at all times be open to inspection free of charge.

Offices and records open to officers.

Worthless debts exempt.

Mortgage accompanied by bond.

Property exempt.

SECTION 9. Debts due by insolvent debtors, and where there is no other security, shall not be taxed; and when a bond and mortgage are given for the same debt, the mortgage only shall be taxed; and railway or railroad companies and the stock or bonds of such company paying a stipulated tax or sum in lieu of all other taxes as provided by (law) shall be exempt from the taxes specially provided for in this act.

Affidavit of lender of money to be attached to evidence of indebtedness.

SECTION 10. That from and after the passage of this act every person, firm or corporation who shall make any investment of moneys, securing the same by bond and mortgage, judgment note, or certificate of indebtedness, shall make and cause to be attached thereto [an affirmation or] an oath on the Holy Evangelists of Almighty God that he, they nor it have required the debtor, his agent, attorney, or any person for him, to pay the tax levied upon the said note, bond, bond and mortgage or certificate of indebtedness, in advance, nor will he require the taxes assessed or to be assessed thereon to be paid by the debtor or any person for him during the existence of the debt. And upon assignment of any such debt so evidenced as aforesaid, except for the purpose of collateral security, the assignee shall be required to make, subscribe to and have thereto attached, an oath in the same form and to the same effect as is above required of the original obligee or mortgagee.

Assignee to make similar affidavit.

Apportionment of moneys collected.

Sussex Co.

“SECTION 11. That of the moneys which shall be levied and collected under the provisions of this act in Sussex county, one-fourth thereof shall be for the use of the State and the other three-fourths thereof for the use of Sussex

## OF THE LEVY COURT.

county; that of the moneys which shall be levied and collected under the provisions of this act in Kent county, one-fourth thereof shall be for the use of the State and the other three-fourths for the use of Kent county; that of the moneys which shall be levied and collected under the provisions of this act in New Castle county without the limits of the City of New Castle, one-fourth thereof shall be for the use of the State and the other three-fourths thereof shall be for the use of New Castle county; and that of the moneys which shall be levied and collected under the provisions of this act, within the limits of the City of Wilmington, one-fourth thereof shall be for the use of the State and another one-fourth thereof shall be for the use of New Castle county and the remaining two-fourths thereof shall be for the use of 'The Mayor and Council of Wilmington.' And the County Treasurer of each of the several counties shall quarterly pay over to the State Treasurer all moneys which shall have come to his hands for the use of the State under the provisions of this act. And the County Treasurer of New Castle county shall quarterly pay over to the Treasurer of 'The Mayor and Council of Wilmington,' all moneys which shall have come into his hands for the use of the said 'The Mayor and Council of Wilmington,' under the provisions of this act.

In assessing and collecting the taxes provided for in this act, the assessments, duplicates, and accounts shall be kept separate and distinct from assessments, duplicates, and accounts of all other assessments and taxes, provided for by the Laws of this State. And each of said County Treasurers shall on or before the first day of June, A. D. 1898, enter into an additional bond to the State of Delaware in the sum of five thousand dollars, to secure all moneys which shall come into his hands under the provisions of this act, which said bond shall be approved in the same manner and by the same persons as the bonds of County Treasurers are now required by law in their respective counties.

SECTION 12. That all the provisions of law in relation to assessments and the duties of assessors relative thereto, as well as those in relation to the Levy Court with reference to assessments, appeals and corrections thereof, making rates and levies, are made applicable to the assessments and levies

## OF THE LEVY COURT.

- to be made and authorized to be made under the provisions of this act. *Provided*, that the Levy Courts of the several counties of this State in laying taxes under the provisions of this act relating to the taxation of bonds, mortgages, stocks, judgments, recognizances, decrees, notes, certificates of indebtedness, and other investments, shall lay the same at the rate of thirty cents on each one hundred dollars of the assessment to be made and returned by the assessors as aforesaid.
- Rate of 30 cents on the \$100 of assessment.** And every collector of county taxes shall have all the authority and power to collect the taxes imposed by this act as he now has for the collection of county taxes under existing law.
- Collectors' powers.** "SECTION 13. The assessors in making the assessments of the investments liable to taxation under this act shall require any person making return of property as hereinbefore provided, to make said return under oath or affirmation, signed by the person making the return. Said assessors are hereby authorized and empowered to administer any oath or affirmation required by any of the provisions of this act."
- Returns under oath or affirmation.** "Section 14. The Levy Court shall on the first day of November Session, give to the assessors instructions as to the meaning and intent of this act, and shall prescribe and provide forms for their return; and the said Courts may in case of necessity appoint another day or other days for appearance of the assessors or any of them to receive the aforesaid instructions."
- Who to administer oath.** "SECTION 15. If any assessor shall fail or refuse to make the assessment provided for under the provisions of this act, or shall fail to make his returns to the Levy Court on the days and times herein provided, or shall fail or refuse to perform any duties required of him by any of the provisions of this act, he shall be guilty of a misdemeanor and upon conviction thereof, shall pay a fine of not less than one hundred dollars nor more than five hundred dollars or be imprisoned not less than ten days nor more than six months."
- Instructions to assessors.** "SECTION 16. The form of return provided for in Section 14, shall contain in separate columns: First, the names of taxables; second, of the stocks; third, of the bonds; fourth, of the mortgages; fifth, of the miscellaneous investments; sixth, the aggregate sum; and the seventh column shall be reserved as a space for remarks."
- Returns.**
- Contents.**
- Failure or refusal to make assessment or returns.**
- Misdemeanor.**
- Penalty.**
- Other days for appearance.**

## OF THE LEVY COURT.

"SECTION 17. That this act shall apply to assessors, Applicable to assessments of 1898. whose duty it was to return the assessments to the Levy Court at its February, A. D. 1898, session. And all the assessments which should have been made and returned to the Levy Court at the said February Session, shall be made When to be made and returned. and returned to the Levy Court at any time prior to the twenty-sixth day of June, A. D. 1898. And the Levy Courts shall immediately upon the passage of this act instruct the Instructions to assessors. said assessors as to their duties under this act."

"SECTION 18. The assessments provided for under this Annual assessments. act shall be made annually throughout the State."

"SECTION 19. That if any affidavits required by this act, Certain affidavits to make. the president, secretary and treasurer or cashier of a corporation may make the same on behalf of said corporation, or any member of a firm or partnership on behalf of said firm or partnership."

"SECTION 20. That any attorney-at-law admitted to Attorney-at-Law to administer oaths. practice in the courts of this State shall have full power and authority and may administer the oath or affidavit required by any provisions of this act."

"SECTION 21. That the Levy Court in the several Compensation to collectors. counties are hereby authorized to fix the rate or amount of compensation to be allowed to the collectors for the performance of their duties under this act."

"SECTION 22. That in making publication of the laws Publication of act. enacted at the present session of the General Assembly, the Secretary of State shall publish the act to which these amendments are added as the said act is hereby amended."

"SECTION 23. All acts or parts of acts inconsistent with this act are hereby repealed."

*Passed at Dover, May 20, 1897.*

*Amended by Act approved May 25, A. D. 1898.*

## OF ASSESSORS.

## CHAPTER 26.

## OF THE LEVY COURT.

AN ACT to extend the time for making and correcting Assessments for the year 1898.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

Extension  
of time of  
making  
and cor-  
recting as-  
sessmenta  
for 1898.

SECTION 1. That the time for making assessments and corrections thereof, for the year A. D. 1898, by the Levy Courts of the respective counties of this State, be, and the same is hereby extended until the last day of April instead of the last day of March as provided in Chapter 8 of the Revised Code; and for the purpose of making such assessments and corrections the said respective Levy Courts are hereby directed and required to meet during the last week of April of the present year.

*Approved April 14, A. D. 1898.*

## CHAPTER 27.

## OF ASSESSORS.

AN ACT to amend Chapter 30, Volume 17, Laws of Delaware, providing for the Election of Assessors for Wilmington Hundred.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

Assess-  
ment Dis-  
tricts to  
compose  
Rep. Dis-  
trict  
instead of  
wards.

SECTION 1. That Section one of Chapter thirty, Volume seventeen, Laws of Delaware, be and the same is hereby amended by striking out the words "First, Second, Fourth and Eighth wards" in the sixth line of said Section and insert in lieu there of the words "First Representative District." Fur-

## OF ASSESSORS.

ther amend said Section one by striking out the words "Third, Fifth, Tenth and Eleventh wards," in the tenth line of said Section and insert in lieu thereof the words "Second Representative District." And further amend said Section one by striking out the words "Sixth, Seventh and Ninth wards" in the thirteenth and fourteenth lines of said Section and insert in lieu thereof the words "Third Representative District." And said Section one be further amended by adding thereto at the end of said Section one the following: "And all that portion of the said hundred comprised within the limits of the Fourth Representative District of the said City, as now laid out and established by law, shall be the Fourth Assessment District; and all that portion of the said hundred comprised within the limits of the Fifth Representative District of the said City, as now laid out and established by law, shall be the Fifth Assessment District." New assessment district, 4th Dist. 5th Dist.

SECTION 2. That the said act be further amended by inserting a new Section 6 as follows:

SECTION 6. Each and every Assessor of each Assessment District in Wilmington Hundred hereafter to be elected shall receive as compensation for his services as such, a yearly salary of six hundred dollars, to be paid quarterly by the Levy Court of New Castle county, and a yearly salary of two hundred dollars to be paid by the City Council of the City of Wilmington for services in making the assessments under "An Act to equalize taxation for State and County purposes," passed at Dover, May 20, A. D. 1897. Compensation of assessors. How paid. By whom paid.

SECTION 3. The duties of the Assessor elected under the provisions of this act shall, within the assessment district hereby established, be the same as those prescribed by law for the Assessors of the several hundreds. Duties of assessors.

SECTION 4. That all acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

*Approved June 9, A. D. 1898.*



## OF ASSESSORS.

## CHAPTER 28.

## OF ASSESSORS.

AN ACT in relation to Assessors in Wilmington Hundred.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

Additional compensation of assessors of Wilmington Hd.  
How payable.

SECTION 1. That in addition to the compensation heretofore provided by law for assessors in Wilmington Hundred, each of said assessors shall receive for making the annual assessments of investments the sum of Three hundred dollars (\$300.00) annually; payable by the Mayor and Council of the City of Wilmington upon the completion of such annual assessment and its acceptance by the Levy Court Commissioners of New Castle county.

To apply to 1898.

"*Provided* that this shall be deemed and taken to apply to the year eighteen hundred and ninety-eight (1898) only."

SECTION 2. All acts or parts of acts inconsistent with this act are hereby repealed.

*Approved June 1, A. D. 1898.*

## OF ASSESSORS.

## CHAPTER 29.

## OF ASSESSORS.

AN ACT in relation to the Assessment of Real and Personal Property in Kent County.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. A general assessment of personal property in Kent county shall stand and be acted upon for four years, and shall be made so as to be returned on the first Tuesday in February, A. D. 1899, and every fourth year thereafter; and a general assessment of real property shall stand and be acted upon for four years and shall be made so as to be returned on the said first Tuesday in February, A. D. 1899 and every fourth year thereafter.

Assessment of personal property to stand for four years. When made and returned. Real property. When returned.

SECTION 2. *Provided always*, that each assessor of the respective Representative Districts of Kent county, shall annually assess the personal property and the capitation tax of all persons liable, who have arrived at the age of twenty-one years since the preceding assessment, or who have come to reside in the representative district or who have been omitted and all new leases taken by lessees of houses in cities or towns or other places, new ground rents, any real property before omitted and personal property acquired by bequest. And *provided further*, that each assessor shall annually add to the assessment of each parcel of real estate in cities and towns and villages, the value of any buildings or structures of a permanent character, which may have been erected thereon since the last general assessment of real property. He shall also certify and return all decents and alienations, and changes of ownership of real estate; and the person who by the assessment list, as the same shall be made from such returns, shall appear to have become the owner, shall be assessed with the value thereof then in force.

Additional assessments annually.

Assessment of value of buildings, &c.

Decents and alienations.

Who to be assessed.

SECTION 3. The return of the assessors in the different representative districts in the State, with such corrections as the Levy Court shall make, shall be a part of the assessment list of said representative district, and shall be conclusive.

Return of assessments to be a part of assessment list and conclusive.

## OF COLLECTORS.

SECTION 4. All the law of this State applicable to assessments not inconsistent herewith, is made a part of this act.

*Approved June 1, A. D. 1898.*

## CHAPTER 30.

## OF COLLECTORS.

AN ACT to amend Chapter 388, Volume 20, Laws of Delaware, entitled "An Act in relation to the Collection of Taxes for New Castle County," being an Act to provide for the Collection of Certain Taxes and to pay the Expenses thereof.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

Other  
taxes to be  
collected.

SECTION 1. That Section 2 of Chapter 388, Volume 20, Laws of Delaware, entitled "An Act in relation to the collections of taxes for New Castle County," be and the same is hereby amended by inserting between the words "taxes" and "as" in the ninth line of said Section the words "and all other taxes except taxes assessed upon real estate and dog taxes," and by inserting between the words "assessed" and "within" in the eighteenth line the words "upon real estate and all dog taxes"; and by striking out the words following, to wit: "other than poll taxes" in the nineteenth line of said Section.

Assess-  
ment list  
to show  
address of  
person  
assessed.

SECTION 2. That Section 3 of the Chapter aforesaid, be and the same is hereby amended by inserting between the words "district" and "for" in the fourth line of said Section 3 the words following, to wit: "with the address of the persons assessed."

Abate-  
ment on  
taxes.

SECTION 3. That said Chapter be and the same is hereby further amended by striking out all of Section 35 of said Chapter and inserting in lieu thereof the following, to wit: "That on all taxes paid before the first day of October there shall be an abatement of five per centum; on all taxes paid after the first day of October and before the first day of Jan-

## OF COLLECTORS.

uary there shall be an abatement of three per centum ; on all taxes paid after the first day of January and before the first day of April there shall be no abatement ; and on all taxes unpaid after the first day of April five per centum thereof shall be added thereto. Additions  
to unpaid  
taxes.

SECTION 4. That Section 36 of the Chapter aforesaid be and the same is hereby amended by striking out all of said Section after the word "receive" in the tenth line of said Section and inserting in lieu thereof the words following, to wit : "The sum of one thousand dollars per annum as a compensation for their services, to be paid in quarterly installments by warrants drawn by the Levy Court upon the County Treasurer." Compen-  
sation of  
Collectors.

*Approved May 25, A. D. 1898.*

## CHAPTER 31.

## OF COLLECTORS.

AN ACT to amend an act, entitled "An Act in relation to the Collection of Taxes for New Castle County," passed at Dover, May 29, 1897, as published at page 2 of the Appendix to Volume 20, Laws of Delaware ; being an Act to provide for the Collection of Certain Taxes and to pay the expenses thereof.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

SECTION 1. That Section 2 of the act entitled "An Act in relation to the Collection of Taxes for New Castle county," passed at Dover, May 29, 1897, as published at Page 2 of the Appendix to Volume 20, Laws of Delaware, be and the same is hereby amended by inserting between the words "taxes" and "in" in the eleventh line of said section the words "and all other taxes except taxes assessed upon real estate and dog taxes" and by inserting between the word "assessed" in the twentieth line and the word "within" in the twenty-first Other  
taxes col-  
lected.

## OF COLLECTORS.

line the words "upon real estate and all dog taxes;" and by striking out the words following, to wit: "other than poll taxes" in the twenty-first line of said Section.

**Address of person assessed.** SECTION 2. That Section 3 of the act aforesaid be and the same is hereby amended by inserting between the words "district" and "for" in the fourth line of said Section 3 the words following, to wit: "with the address of the persons assessed."

**Rebate on taxes.** SECTION 3. That said act be and the same is hereby further amended by striking out all of Section 35 of said Chapter and inserting in lieu thereof the following, to wit: "That on all taxes paid before the first day of October there shall be an abatement of five per centum; on all taxes paid after the first day of October and before the first day of January there shall be an abatement of three per centum; on all taxes paid after the first day of January and before the first day of April there shall be no abatement; and on all taxes unpaid after the first day of April five per centum thereof shall be added thereto."

**Addition to unpaid taxes.**

**Compensation to collectors.** SECTION 4. That Section 36 of the Chapter aforesaid be and the same is hereby amended by striking out all of said Section after the word "receive" in the eleventh line of said Section and inserting in lieu thereof the words following, to wit: "the sum of one thousand dollars per annum as a compensation for their services to be paid in quarterly installments by warrants drawn by the Levy Court upon the County Treasurer."

*Approved May 25, A. D. 1898.*

## OF RECEIVER OF TAXES.

## CHAPTER 32.

## OF RECEIVER OF TAXES.

AN ACT to compensate the Receiver of Taxes and County Treasurer of New Castle County, for receiving and disbursing the taxes collected pursuant to an act, entitled, "An Act to equalize Taxation for State and County Purposes," as amended.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

SECTION 1. That the Receiver of Taxes and County Treasurer of New Castle county shall receive as a compensation for his services in receiving and disbursing the taxes collected pursuant to an act entitled "An Act to equalize taxation for State and county purposes," passed at Dover, May 20, 1897, as the same has been subsequently amended one and one-half per centum ( $1\frac{1}{2}$ ) of the sum received by him pursuant to said act, which said amount shall be retained by said Receiver of Taxes and County Treasurer, out of the moneys so received by him under the provisions of the said act.

Compensation of Receiver of Taxes for receiving investment tax.

*Approved June 1, A. D. 1898.*

## TITLE THIRD.

### Of the Public Arms and Defence.

#### CHAPTER 33.

##### OF THE PUBLIC ARMS AND DEFENCE.

**AN ACT** to provide for the Payment of Bills contracted by the Adjutant General in making Repairs of the State Armory Building at Wilmington.

WHEREAS, The State is the owner of an Armory building in Wilmington, which was purchased by the State, upon a sale made in proceedings of foreclosure of a mortgage for ten thousand dollars, held by the State against the said building, and,

WHEREAS, The said building had fallen into a state of dilapidation and to preserve it, it was necessary that the same should be repaired, and

WHEREAS, Under the instruction of members of this Legislature, and upon approval of the military board, repairs have been made under the direction of the Adjutant General, the cost of which amounts in the aggregate to the sum of twenty-four hundred and one dollars and twenty-one cents; now therefore,

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

State  
Treasurer  
to pay  
\$2401.21 to  
Adj. Gen-  
eral for re-  
pairs to  
Armory.

SECTION 1. That the State Treasurer, be and he is hereby authorized, empowered and directed to pay to the Adjutant General of the State, the said sum of twenty-four hundred and one dollars and twenty-one cents for the purpose of paying the several parties entitled, for work, material, etc., done and furnished in the repairs of the said building. And the said

## OF THE PUBLIC ARMS AND DEFENCE.

sum of twenty-four hundred and one dollars and twenty-one cents is hereby expressly appropriated and set apart, out of any moneys in the State Treasury not otherwise appropriated, for the purposes aforesaid. <sup>Appropriation.</sup>

*Approved March 18, A. D. 1898.*

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CHAPTER 34.

## OF THE PUBLIC ARMS AND DEFENCE.

**AN ACT to appropriate Money for the purpose of paying the Expenses of an Encampment of the National Guard of Delaware.**

WHEREAS, The State of Delaware has for many years maintained a National Guard for purposes of protection within the State, and in order to afford to such of her citizens, as desire to avail themselves of the opportunity to acquire a military training that would fit them for service in the armies of the Nation in case of need ; and

WHEREAS, The State Militia has not for several years had the opportunity to acquire a knowledge of maneuvers and practice in the field and in camp, which is so necessary in order to fit them for service in the Nation's Armies, and to protect their health, their lives and their equipments, when engaged in active service ; and

WHEREAS, It is a duty which the State owes to its militia and to its patriotic citizens who may enter the military service, to provide them with all knowledge, experience and training that may be necessary to fit them for their duties as soldiers ; and

WHEREAS, At the present time a war with a Foreign Nation seems imminent, and a call by the President of the United States for troops to protect the Country from possible invasion and such other services as the emergency may require, will in all probability be made in a short time ; now therefore,



## OF THE PUBLIC ARMS AND DEFENCE.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

\$30,000 ap-  
propri-  
ated for  
encamp-  
ment of  
National  
Guard.

SECTION I. That in order to provide training to the National Guard of Delaware in field maneuvers and camp practice the sum of thirty thousand dollars or so much thereof as may be necessary, be and the same is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, for the purpose of paying the expenses of holding an encampment of the National Guard of Delaware, when the same shall be ordered by the Commander-in-Chief.

Payment  
of bills.

The money appropriated under the provisions of this act shall be paid as other bills or allowances are paid, under the provisions of Chapter 392 of Volume 20 of the Laws of Delaware.

*Approved April 22, A. D. 1898.*

## TITLE FOURTH.

### Of Elections.

#### CHAPTER 35.

##### OF THE GENERAL ELECTION.

**AN ACT** concerning the appointment of Registration Officers and the preparation and delivery of Registration Books.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

SECTION 1. The Governor shall, sometime in the month of June in each year in which a general election is held, appoint in each election district in this State outside of the City of Wilmington, three capable persons who shall be voters and resident in the Election District for which they shall be appointed, who shall be the registration officers of the Election District for which they are appointed ; one of whom shall be designated as "Registrar," and the other two "Assistant Registrars," and not more than two of them shall be of the same political faith ; *provided*, that the number of registration officers in each Representative District, shall be divided as equally as possible between the two leading political parties, as the same shall be determined upon by the Governor at the time of making the appointments. For each appointment accredited to any political party under this section the County Executive Committee of such political party shall furnish the Governor on or before the first day of June of the year in which said appointment is to be made a list of three names of properly qualified persons, from which lists the Governor shall make his appointments. *Provided, however*, that if the said lists of names are not furnished as aforesaid then and in

Governor to appoint Registration Officers.  
Number.  
Qualifications.  
Designation.  
Politics.  
Appointment between two leading parties  
Recommendation of names.  
Time of furnishing names.

## OF THE GENERAL ELECTION.

Failure to furnish names. that at that event the Governor shall appoint some suitable person or persons of such political party having all the qualifications provided by this section.

Registration officers for 1898. *Provided however,* that in the case of the Registration officers to be appointed in this present year eighteen hundred and ninety-eight, the appointment of the said Registration officers shall be made sometime between Saturday, the eleventh day of June, and Saturday, the twenty-fifth day of June in said year; and *provided further,* that the lists of names to be furnished by the County Executive Committees from which the appointments of such Registration officers shall be made, with regard to those to be appointed in the year aforesaid shall be furnished not later than Saturday, the eleventh day of June in the year aforesaid. The terms of office of such Registration officers shall begin on the first Tuesday in July next after their appointment, and shall continue for two years thereafter, and until their successors shall be duly chosen and qualified.

Time of appointment.

Time of furnishing names.

Term of office.

Governor to appoint Alternate Registrars. I. It shall be the duty of the Governor, when appointing Registration officers for the several election districts of this State, at the same time to appoint in each election district in the State, outside of the City of Wilmington, one capable person, who shall be a voter and resident in the election district for which he shall be appointed, to be "Alternate Registrar" for the said election district. The term of office of said "Alternate Registrar" shall be the same as that of the Registrar, and whenever the Registrar provided for by this act shall be incapable from any cause whatsoever of performing the duties required of him by the laws of this State, the "Alternate Registrar" in the same election district shall act in his stead, and while acting shall possess all the powers and do and perform all the duties of a Registrar.

Term of office.

When Alternate Registrar acts.

Powers and duties.

When Alternate cannot act. II. But nothing herein contained shall authorize or empower the Alternate Registrar to act at any time when there is a Registrar of the election district able and willing and present to act. If any Registration officer or Alternate Registrar shall remove from the election district for which he shall be appointed, or shall cease to be a voter therein, his office thereupon become vacant.

Vacancies in office of Registration officers.

OF THE GENERAL ELECTION.

III. If any vacancy or vacancies should occur in the office of Registrar, Assistant Registrar, or Alternate Registrar before the expiration of such term, from any cause whatsoever, the Governor shall appoint some suitable person or persons to fill such vacancy or vacancies, who shall serve for the residue of such unexpired term or terms, who shall possess the same qualifications and be qualified in the same manner, possess the same powers and perform the same duties as the original appointee or appointees. Each Registrar, Assistant Registrar and Alternate Registrar before entering upon the duties of his office, shall take and subscribe before the Clerk of the Peace of the County in which he shall reside the following oath or affirmation which the said Clerk of the Peace is hereby authorized to administer :

Governor to fill vacancies for residue of term.

Qualifications.

Oath.

"I, . . . . ., residing in . . . . . Election District of . . . . ., Representative District in . . . . . County, do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of Delaware, and that I will faithfully discharge the duties of the office of Registrar (or Assistant Registrar or Alternate Registrar) for . . . . . Election District in . . . . ., Representative District in . . . . . County, faithfully, honestly, fairly, impartially and according to the best of my ability ; that I am a citizen of the United States, and of the State of Delaware, and I am not a candidate for any office to be voted for by the electors of the election district for which I am appointed Registrar (Assistant Registrar or Alternate Registrar) and that I am a qualified voter in said election district."

Form of Oath.

IV. Should the said Registrar (Assistant Registrar or either of them or Alternate Registrar) after taking said oath and before entering upon the active duties of said office become a candidate for any office to be voted for by the electors of the election district for which he is appointed Registrar, Assistant Registrar or Alternate Registrar, the said office shall *ipso facto* become vacant and be filled by the appointment of another person to the same. After any Registrar, Assistant Registrar or Alternate Registrar shall have entered upon the active duties of his office he shall thereby become ineligible to any office to be voted for at the next ensuing general election.

Becoming candidate for office to create a vacancy.

Filling vacancies.

Officers to be ineligible to office.

## OF THE GENERAL ELECTION.

**Qualifica-  
tion by  
oath.** SECTION 2. Each and every person appointed as aforesaid to act as Registrar, Assistant Registrar or Alternate Registrar shall qualify as such Registrar, assistant registrar or alternate registrar by taking or subscribing the oath or affirmation prescribed in the preceding section, within ten days after being notified of his appointment, and shall perform the duties of the office for the term for which he was appointed, unless he shall become disqualified by sickness or otherwise; but any registrar, assistant registrar or alternate registrar who shall be appointed to fill a vacancy shall qualify forthwith.

**Time.**

**Must act.**

**Refusal to  
qualify  
and act.** If any Registrar, assistant registrar or alternate registrar who, being appointed either for a full term or to fill a vacancy, shall refuse to qualify as aforesaid, or, having qualified, shall fail or refuse to perform any of the duties of said office, he shall forfeit and pay to the State a fine of one hundred dollars upon conviction thereof by indictment in the Court of General Sessions of the county where such offence was committed.

**Penalty.**

**Exemption  
from  
Jury or  
Military  
duty.** The registration officers aforesaid during the time they hold such office shall be exempt from the performance of military and jury duty, and no person who by the laws of this State is exempt from jury duty shall be required to serve as a registration officer.

**Exemption  
from  
serving as  
Registration  
officers.**

**Prepara-  
tion of  
books.** SECTION 3. It shall be the duty of the Governor to cause the following books to be prepared, at the expense of the State for the use of the said registration officers in each election district in this State, including those in the City of Wilmington for the registration of names and facts following, to wit:

**Registers.** I. Two books for the registration officers in each election district, including those in the City of Wilmington, to be known by the general name of "Registers," and to be so arranged as to admit of the convenient entry of the following particulars:

**Entries.** First. The name of the person applying to be registered, written in full (or his first Christian name, and also any other name by which he is generally known, written in full, with the initial or initials of any other name or names which he may have in addition thereto).

Second. Whether his registration fee is paid or unpaid.

OF THE GENERAL ELECTION.

- Third. His color.  
 Fourth. His age.  
 Fifth. The place of birth.  
 Sixth. The place of his residence, of street and number, if any, and his post-office address.  
 Seventh. The time of his residence in the State, county and election district in which he shall apply to be registered.  
 Eighth. If naturalized.  
 Ninth. If registered voter.  
 Tenth. If disqualified.  
 Eleventh. Date of application for registration.  
 Twelfth. If challenged.  
 Thirteenth. Cause of challenge.  
 Fourteenth. Appeal.  
 Fifteenth. Remarks, explanatory and supplementary.

II. Such registers shall be uniform in their general character, shall be ruled in parallel columns, and shall be of such size as to contain not less than fifteen hundred names. <sup>Style of books.</sup>

III. The ruling and the heading in the above described registers shall be substantially in the form following, to wit: <sup>Ruling and headings,</sup>

. . . . .	Name, . . . . .	
. . . . .	Registration Fee, . . . . .	
. . . . .	Color, . . . . .	
. . . . .	Age, . . . . .	
. . . . .	Nativity, . . . . .	
. . . . .	Residence, . . . . .	
. . . . .	State, . . . . .	Term
. . . . .	County, . . . . .	of
. . . . .	Election District, . . . . .	Residence.
. . . . .	Naturalized, . . . . .	
. . . . .	Registered Voter, . . . . .	
. . . . .	Disqualified, . . . . .	
. . . . .	Date of Application, . . . . .	
. . . . .	If Challenged, . . . . .	
. . . . .	Cause of Challenge, . . . . .	
. . . . .	Appeal, . . . . .	
. . . . .	Remarks, . . . . .	

Second, Two books for the registration officers of each election district, to be known by the name of "Books of Registered Voters," of alphabetical lists of all persons whose <sup>Books of Registered Voters.</sup>

## OF THE GENERAL ELECTION.

**Rulings.** names may be entered on the register aforesaid as "registered voters." Said books to be ruled in parallel columns and so arranged as to admit of the convenient entry in alphabetical order of the name of every person who may be entered on the registers aforesaid as a "Registered Voter," and in the parallel column opposite the name of such person the following particulars, to wit :

First. His residence.

Second. His color.

Third. His age, if it be between the age of twenty-one and twenty-two years on the day of the next general election.

**Registration Certificates.** Fourth. A book to be known as "Registration Certificates," to contain not less than fifteen hundred blanks and printed in manner and form as hereinafter provided.

**Delivery of books by Sheriff.** SECTION 4. The Sheriff of each county shall, some time previous to the last Saturday in the month of July, in the year of holding the general election, deliver to the registrar of each election district of his county, two of the books known as "Registers," two of the books known as "Books of Registered Voters," and a book of registration certificates hereinbefore provided for ; which said books addressed to the registrar of each election district of the county, the Governor shall cause to be delivered to the sheriff in each of the counties of this State on or before the third Tuesday in July in the year of holding the general election.

**Governor to deliver books to Sheriff.**

**Where.**

**Endorsements on books by Registrars** SECTION 5. Each of the said registrars immediately upon receiving said "Registers," "Books of Registered Voters" and book of "Registration Certificates" shall endorse upon the back and write at the head of each "Register," "Book of Registered Voters" and "Registration Certificates," delivered to him as aforesaid, the name of the county and the name of the election district of such county of which he is a registrar and of which such books shall respectively be the "Registers," "Books of Registered Voters" and book of "Registration Certificates" as aforesaid.

SECTION 6. All acts and parts of acts supplied by or inconsistent with this act are hereby repealed.

*Approved May 20, A. D. 1898.*

## OF THE GENERAL ELECTION.

## CHAPTER 36.

## OF THE GENERAL ELECTION.

**AN ACT** providing for a uniform System of Registration of all Qualified Voters in this State.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That for the purpose of preventing fraud at all elections held on the Tuesday next after the first Monday in the month of November, as provided by Section 1 of Article 5 of the Amended Constitution, and facilitating the ascertainment of those who are duly qualified electors according to the said Amended Constitution and laws of this State, there shall be hereafter a general registration of all the qualified voters resident in each election district of this State.

General  
Registration  
of  
Voters.  
Purpose.

SECTION 2. It shall be the duty of the registrar and two assistant registrars appointed in each election district in this State to register the names of all qualified voters in each of such election districts as hereinafter provided in this act. And to that end shall sit for the purpose of ascertaining and registering the persons who are qualified to enjoy the right of an elector at the general election then next following, at such public and suitable places in their respective election districts as will, in their judgment, be most convenient for the voters thereof, from 8 o'clock A. M. until 7 o'clock P. M., with an intermission from 12 till 1 o'clock, on the three successive Saturdays in August, beginning with the first Saturday in August, and on the third Saturday in September, and on the third Saturday next preceding the day of election.

Duty of  
Registration  
officers.

Sittings  
for registra-  
tion.

Places.

Hours.

Days.

Each of said registrars, at least ten days prior to the first sitting for the purpose of registration as aforesaid, shall give public notice, by advertisement, posted in ten or more of the most public places in his election district, of the places where the registration officers shall sit for the registration of voters as aforesaid, and the day or days when they will sit at each of said places.

Notice of  
places of  
sitting.



## OF THE GENERAL ELECTION.

Persons  
who are  
admitted  
in room.

SECTION 3. The registration officers shall admit into the room in which registration is being made one suitable person to be selected by and to represent each of the political parties having tickets to be voted for at the coming election, the applicants for registration (one at a time) and such witness or witnesses as the applicant may desire to establish his right to be registered, and such witness or witnesses as the person who challenges the right of any applicant to be registered as he may name, *provided, however*, that in no case shall there be more than one witness in the room at the same time, and *provided, further*, that no other person or persons shall be admitted into the room during the registration of voters, and they may eject from the room any of such persons behaving in a disorderly manner.

Limita-  
tion of  
witnesses  
in room.

Other per-  
sons not  
admitted.

Ejecting  
persons.

Registra-  
tion off-  
icers to  
meet.

SECTION 4. The registrar and the assistant registrars in each election district in this State shall at the times in this act designated for registration meet in their respective election districts at the places which, as provided in this act, shall be designated for such meeting, and at such times shall do and perform the following acts, viz :

Collection  
of Regis-  
tration fee

First, Upon the personal application of any one to be registered, it shall be the duty of the registrar to demand and receive of the applicant, the registration fee of one dollar, which shall be returned to the said applicant if his name shall not be entered on the books of Registered Voters as "A Registered Voter."

Recording  
name of  
applicant.

Second, They shall record in the registers in the column head "name" the name of every male person who shall personally appear before them, and apply to be registered, writing his surname and first christian name in full, and also any other name by which he is generally known, with the initial or initials of any other name or names which he may have in addition thereto, the surname being written first. The names of said applicants for registration shall be numbered consecutively in the order of their application, the number being entered on the registers in figures immediately before each name.

Examina-  
tion of  
applicants  
and  
entries.

Third, They shall examine all persons, who personally apply, as to their qualifications as electors, and shall immediately enter in the register the statements and facts below

## OF THE GENERAL ELECTION.

set forth, and in the manner following, viz :

I. In the column headed "Registration Fee," the word Registration fee. "paid" or "unpaid," as the case may be.

II. In the column headed "color," they shall enter his color. Color.

III. In the column headed "age," the age of the applicant. Age.

IV. In the column headed "nativity" they shall enter the Nativity. State, territory or country in which the applicant states he was born.

V. Under the column "residence" the name and number Residence. of the street, avenue, or other location of the dwelling, if there be a number, and if there shall not be a number, the post-office of the person so applying for registration, or such other clear and definite description of the place of said dwelling as shall enable it to be readily ascertained, fixed and determined.

VI. In the subdivision of the column headed "term of Term of residence. residence," how long he has resided in the State, how long in the county, and how long in the election district in which he applies to be registered.

VII. In the column headed "naturalized," the words "yes" Naturalization. or "no" or "native" as the facts shall appear.

VIII. In the column headed "registered voter," if the Registered voter. registration officers shall be satisfied, upon examination or otherwise, that the applicant for registration is entitled to be registered as a registered voter, they shall write his name in full as written in the first column.

IX. In the column headed "disqualified," if they are Disqualified. satisfied upon examination or otherwise, that the applicant for registration is disqualified as an elector in the election district in which he shall apply to be registered, a line shall be heavily drawn in ink opposite his name headed "Registered Voter" and the cause of his disqualification shall be briefly stated in the column headed "disqualified," opposite his name as first recorded, and a line shall be drawn across his name as first entered, but in such manner that said name shall remain legible. *Provided* that every applicant for registration shall, upon payment of the registration fee, be held and considered to be a qualified voter, if he be a male citizen of this State of Qualifications for registration as qualified voters.

## OF THE GENERAL ELECTION.

- the age of twenty-one years and upwards, or who will be the age of twenty-one years on or before the election, next succeeding his registration, and will have resided in the State one year next before such election, and for the last three months thereof will have been a resident of the county, and for the last thirty days a resident of the election district in which he may offer to vote and in which he shall have been duly registered; *provided* that no person in the military, naval, or marine service of the United States shall be considered as acquiring a residence in this State, by being stationed in any garrison, barrack, or military or naval place or station within this State; and no idiot, or insane person, pauper, or person convicted of a crime deemed by law a felony, or person who shall have been rendered incapable of voting by reason of violating Section 7 of Article 5 of the Constitution of this State for ten years next following his conviction and sentence thereunder, shall be held or considered a qualified voter.
- Who may not acquire residence.** X. In the column headed "Date of Application," they shall enter the day of the month and year on which application for registration is made.
- Disqualifications.** XI. In the column headed "if challenged" the words "yes" or "no."
- Date of application.** XII. In the column headed "cause of challenge," they shall enter the objections and by whom made.
- Challenge.** XIII. In the column headed "appeal" they shall enter "yes" or "no."
- Cause of challenge.** XIV. In the column headed "remarks" they may enter such facts or statements as may be deemed pertinent to the qualification or disqualification of the applicant as an elector.
- Appeal.** Fourth. In making the entries hereinbefore specified the registration officers shall in every case, make such entries in the columns above specified opposite the name of the applicant to whom such entries are intended to apply, if the registration officers shall be in doubt, after the primary examination of the applicant for registration, and upon such evidence as may be immediately obtainable, whether such applicant ought to be registered as a registered voter, they may postpone the
- Remarks.**
- Postponement of registration of applicants in case of doubt.**

## OF THE GENERAL ELECTION.

determination of the matter to their next sitting or to a later sitting at the request of the applicant.

Fifth. It shall be the duty of the registration officers of each and every election district in this State, upon the close of each day's registration, to write in the line on their registers, immediately below the last person registered on said day the words "end of the . . . day's registration," and immediately under said entry the said registration officers shall sign their respective names with the proper designation of their office. The said entries shall in no way interfere with the numbering of the names of the persons as the same shall be entered upon said registers, but the same shall be continued as if the said entries had not been made.

Signing  
each day's  
registra-  
tion.

Not to in-  
terfere  
with num-  
bering of  
names.

SECTION 5. If, upon the personal application of any one to be registered, he shall be challenged for having received or accepted, or for having offered to receive or accept, or for having paid, transferred or delivered, or for having offered or promised to pay, transfer or deliver, or for having contributed or offered or promised to contribute to another to be paid or used any money or other valuable thing as a compensation, inducement or reward for the registering or abstaining from registering of any one qualified to register, it shall be the duty of the Registrar to administer to the person so challenged an oath or affirmation as follows, viz. :

In case of  
challenge  
for bribery  
etc., oath  
to be ad-  
minis-  
tered.

"You do solemnly swear upon the Holy Evangels of Almighty God (or 'You do solemnly, sincerely and truly declare and affirm') that you have not received or accepted or offered to receive or accept, or paid, transferred or delivered, or offered or promised to pay, transfer or deliver, or contributed or offered or promised to contribute to another, to be paid or used, any money or other valuable thing as a compensation, inducement or reward for the registering or abstaining from registering of any one qualified to register at the registration for this present year, so help you God" (or 'so you do solemnly sincerely and truly declare and affirm'.)"

Form of  
oath.

Such oaths or affirmation shall be conclusive evidence to the registration officers of the truth of such oath or affirmation; but if any such oath or affirmation shall be false, the person making the same shall be guilty of perjury, and on conviction thereof shall bar any prosecution under Section 8,

Oath to be  
conclusive  
evidence.

False oath  
perjury.

## OF THE GENERAL ELECTION.

Article 5 of the Amended Constitution. If any person so challenged as aforesaid, shall refuse to make the oath or affirmation above prescribed, then it shall be the duty of the registration officers to cause a line to be heavily drawn in ink opposite his name in the column headed "Registered Voter," and in the column headed "Disqualified" to insert the words "disqualified for refusing to make the oath concerning bribery at registration," opposite his name as first entered, in such manner that said name shall remain legible.

**SECTION 6.** When the registration officers of any election district in this State, at any of the sittings hereinbefore provided for, shall enter in the Registers the name of any applicant for registration as a registered voter, they shall immediately thereafter enter, in the presence of such applicant, if he remains in attendance, in its proper alphabetical place in the "Book of Registered Voters," heretofore provided for, the name of such applicant, and also his residence, and color, and his age, if he will be between the ages of twenty-one and twenty-two on the day of the next following general election.

**II.** And the Registrar shall give to each person who is registered as a registered voter and who may request it a certificate to the following effect :

Form of certificate. . . . . Election District, in . . . . . Representative District, in . . . . . County, State of Delaware.  
Dated . . . . . day of . . . . ., 18 . . .

I do hereby certify that . . . . . has this day been registered as a registered voter in the election district above mentioned, and that his number on the registers is number . . . . .

[Signed] . . . . .  
Registrar for . . . . . Election District, in . . . . .  
Representative District, in . . . . . County.

**III.** The said registration officers shall within one week after their third sitting as aforesaid cause to be printed not less than fifty copies of the alphabetical lists of registered voters as contained in the "Book of Registered Voters," together with the entries opposite the names in said books, and shall within the said week cause one of said printed copies of each of said lists to be posted in at least ten of the most public places in their election district, and shall use the remaining

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copies in such a manner as in their judgment will be most likely to secure publicity and general inspection.

SECTION 7. Upon the affidavit of a legal voter in an election district, made before any person authorized by the laws of this State to administer oaths and represented to the registration officers of the election district, of which said affiant is a voter, that in his opinion any person (naming him) is illegally registered in such election districts as a registered voter and setting forth the reasons therefor, it shall be the duty of the registration officers to examine into the matter of the registration of such persons, and, if said registration officers deem it a proper case for a hearing, notice shall be given to such person, either personally or in writing, in the manner hereinafter provided, to appear before the said registration officers at their next sitting to show cause why his name shall not be stricken from the "Books of the Registered Voters" of such election district. And if upon examination and inquiry the registration officers shall be satisfied, at the sitting at which such person had notice to appear, that he ought not to be registered as a registered voter, a heavy line shall be drawn in ink through his name in the column headed "Registered Voter," and a line shall be drawn through his name as first entered, but in such manner as said name shall remain legible, and the cause of his disqualification shall be briefly stated in the column headed "Disqualified," and in the column headed "Remarks," opposite his said name shall be written the words "adjudged disqualified on revision by the Registration officers," and the date when his disqualification was ascertained as aforesaid and in the books of "registered voters" a heavy line of ink shall be drawn through his name, his residence, his color and his age.

Review of  
decision of  
registration  
officers upon  
affidavit.

Hearing.  
Notice of.

Entries in  
case of de-  
cision to  
strike off  
name.

SECTION 8. If any person registered as a registered voter, in any election district in this State, shall, after he is so registered, remove from the district in which he is so registered to any other district in the county, he may apply in person to the registration officers of the election district in which he is registered and have his name stricken from the "Registers" and from the "Books of Registered Voters" in which his name shall appear, and may obtain from said registration officers a certified copy of the entries in the register relating to him,

Removal  
from Dis-  
trict in  
which  
registered.

Applica-  
tion to of-  
ficers.

Certified  
copy of en-  
tries and

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certificate. together with a certificate that his name has been stricken from the register and books of registered voters, as aforesaid; and it shall be lawful for him, after his name shall be so stricken from said registers and book of registered voters, to cause himself to be registered in the election district to which he may have removed upon producing the aforesaid certificate and copy of entries in said registers and books of registered voters; *provided* that by the next following general election he will have acquired in the election district to which he has removed the residence required by the Constitution. And the registration officers to whom such persons may apply to have his name stricken from the registers and books of registered voters shall draw a line in ink through his name and all the entries opposite his name in said registers and books of registered voters, and in the column in the registers headed "remarks" shall enter "removed from this election district into . . . election district in this County," and shall prepare and deliver to him the certified copy of entries and the certificate aforesaid.

Registration in other district.

Proviso as to residence.

Entries in case of such application.

Quorum and acts of registration officers.

Written notice, what sufficient.

Comparison of registration books.

SECTION 9. At every sitting of said registration officers two shall constitute a quorum and the acts of a majority shall be as valid as the acts of all of them.

II. In all cases where written notice is required by this act to be given to any person such notice shall be deemed sufficient if addressed to the person to be notified at the post-office named by him, at the time of his application for registration, and deposited in the mail not later than the Wednesday next preceding the sitting of the registration officers at which he may be notified to appear.

SECTION 10. It shall be the duty of the registration officers, immediately after the close of their last sitting, carefully to compare the two registers, and see that they agree with each other in every particular, and also to compare the alphabetical lists of "Registered Voters" as contained in the "Books of Registered Voters" aforesaid, with the said registers, and to see that the name of every person entered upon the registers as a registered voter is entered in its proper alphabetical place on each of the two lists of registered voters, together with the residence and color, and also the age if it be between the ages of twenty-one and twenty-two years on the day of the next

## OF THE GENERAL ELECTION.

general election, as entered on the registers. And if any name in the registers which ought to have been entered on said alphabetical lists of registered voters shall have been omitted therefrom, it shall be the duty of said registration officers to enter such name in its proper alphabetical place, on the proper alphabetical lists, together with the proper entries as they appear on the said registers.

Entry of  
omitted  
names.

II. And it shall be the further duty in such comparison of the alphabetical lists with the registers to make such corrections on the alphabetical lists as will make the names and entries appearing on the alphabetical lists agree with the same names and entries as entered on the registers. It shall also be the duty of the said registration officers, within three days after their last sitting, to append to each of said alphabetical lists of "registered voters" contained in said "Books of Registered Voters" a certificate, verified by the oath or affirmation of said registration officers, or at least two of them, that the said "Book of Registered Voters" contain a complete list of the registered voters of said election district, as the same are entered in the "Books of Registered Voters" of such election district.

Correc-  
tions of  
books.

Certificate  
to be ap-  
pended to  
books.

III. And the said registration officers shall, within the three days aforesaid, also append to the registers of their election districts a certificate that each of said registers is the official register of such election district, and, so far as within their knowledge, no false or improper entries have been made therein, which certificate shall be made and verified by at least two of said registration officers.

Certificate  
to be ap-  
pended to  
registers.

SECTION 11. From the decision of the registration officers granting or refusing registration, or striking or refusing to strike a name or names from the registration lists, any person interested, or any registration officer may appeal to the Resident Associate Judge of the county, or in case of his disability or absence from the county, to any Judge entitled to sit in the Supreme Court, whose determination shall be final, and in order to prosecute said appeal it shall be the duty of the person taking the same to notify the "Registrar" of the election district from the decision of whose officers said appeal is taken stating in said notice the time when said appeal will be presented to the resident Associate Judge of his county or

Appeal to  
resident  
Associate  
Judge or  
other  
Judge.

Decision  
final.

Notice to  
registrar.



## OF THE GENERAL ELECTION.

Time of  
hearing  
appeal.

such Judge of the Supreme Court as may sit for the purpose of receiving and hearing such appeal which time shall be one of the days hereinafter named for such resident Associate Judge or Judge of the Supreme Court to sit for the purpose of receiving and hearing appeals.

Official  
bond of  
registrar.

Amount.

SECTION 12. Each registrar shall, before entering upon the duties of his office give bond to the State of Delaware, with at least one or more sureties to be approved by the Clerk of the Peace of the county wherein such registrars reside, in a penalty to be determined by the said Clerk of the Peace, and to be, as nearly as can be ascertained, double the amount which such registrar is required to collect as registration fees, of and from all voters who may be registered in his election district, the form and condition whereof shall be as follows, viz. :

## KNOW ALL MEN BY THESE PRESENTS.

Form of  
Bond.

That we . . . . . of . . . . . County and State of Delaware, are held and firmly bound unto the State of Delaware in the penal sum of . . . . . lawful money of the United States of America, to be paid to the said State of Delaware or its certain attorney, or assigns, to which payment well and truly to be made we jointly and severally bind ourselves, our heirs, executors and administrators firmly by these presents.

Sealed with our seals and dated this . . . . . day of . . . . . in the year of our Lord one thousand eight hundred and ninety . . . . .

The condition of the above obligation is such, that if the above . . . . . being Registrar of . . . . . Election District in . . . . . Representative District in . . . . . County, shall faithfully and diligently collect and receive all registration fees which he shall as such registrar, be required to collect of and from all persons who may be registered as registered voters in his said election district, and shall pay over the amount so received to the Receiver of Taxes and County Treasurer, or County Treasurer of his county in the manner and within the times prescribed by law, then the above obligation shall be void and of no effect or else shall be and remain in full force and virtue.

And further, we do hereby jointly and severally authorize

OF THE GENERAL ELECTION.

and empower any attorney of any Court of Record in the State of Delaware, or elsewhere, to appear for us, and each or either of us, at the suit of the said State of Delaware or its assigns, and thereupon to confess judgment for the above penalty to the said State of Delaware or its assigns, as of the last, next, or any other term or time after the date hereof.

And further, we do hereby jointly and severally release all and all manner of error or errors in any such judgment and execution to be issued thereon.

Signed, sealed and delivered  
in the presence of

. . . . . [SEAL.]  
. . . . . [SEAL.]  
. . . . . [SEAL.]

II. The surety or sureties required in the foregoing may be some trust company or surety company authorized to do business in this State and to enter into suretyship. Who may be surety on Bond.

III. The said bond after being executed as hereinbefore provided, shall be filed in the office of the Clerk of the Peace, of the county by whom it was approved subject to the order of the Receiver of Taxes and County Treasurer or County Treasurer as the case may be. Filing of Bond.

SECTION 13. It shall be the duty of the respective Registrars appointed under this act to pay over to the Receiver of Taxes and County Treasurer, or County Treasurer of the county in which he is registrar, all moneys which shall have come to his hands as such registrar by the payment of registration fees, on the Thursday next succeeding the day of the general election in the year in which he shall have received such fees, and in default thereof, it shall be the duty of the Receiver of Taxes and County Treasurer, or County Treasurer as the case may be, to cause judgment to be entered on said bond in the Superior Court in and for the county, and to proceed to collect such sum as shall remain due and unpaid by the said registrar, *provided, nevertheless*, that it shall be the duty of the said Receiver of Taxes and County Treasurer, or County Treasurer, upon the request of any surety or sureties in said bond or whenever in his judgment, the interest of the State demands, to cause judgment to be entered on said bond at any time after the execution thereof with power to enforce Registrar to pay over registration fees. Time of payment. Failure, judgment on Bond. Collection of fees. Entry of Bond at request of sureties.

## OF THE GENERAL ELECTION.

collection of the same, if payment is not made as above provided for.

Alternate registrar, when acting as registrar, to pay other fees to registrar.

SECTION 14. That whenever it shall become the duty of any Alternate Registrar appointed under the provisions of this act, to discharge and perform the duties of the registrar he shall on the evening of every day on which he shall act as such registrar pay over to the registrar of his election district and in whose place he shall have acted, or his legal authorized agent or attorney, all moneys which shall have come to his hands as registration fees, and such payment shall be his discharge from all liability for or on account of the moneys so received; and upon failure to pay over the whole or any part of the moneys received by him as registration fees while acting in the place of said registrar at any one sitting, on the evening of the day as herein required or within three days thereafter, he shall be deemed guilty of a misdemeanor and upon indictment and conviction thereof shall be fined in any sum not exceeding five hundred dollars to be determined by the Court and which shall not be more than double the amount that it shall appear to the said Court, that came into his hands as registration fees, or shall be imprisoned for a term not exceeding one year or both at the discretion of the Court.

Failure.

Penalty.

Duties of assistant registrars to make entries.

Additional duty of registrars.

SECTION 15. It shall be the duty of the assistant registrars in this act provided for to make all the proper entries in the "Registers" and "Books of Registered Voters" as the same are required by this act to be made, except such entries as are provided for in Section 16 of this act; and it shall be the duty of the registrar, in addition to the other duties required of him, to fill up, prepare and deliver all certificates of registration that may be required by registered voters, and to receive and file all affidavits which may be filed.

Sittings of Judges to hear appeals.

SECTION 16. It shall be the duty of the resident Associate Judge of New Castle county to sit at the Levy Court room of New Castle county, and the resident Associate Judge of Kent county to sit at the Levy Court of Kent county, and the resident Associate Judge of Sussex county to sit at the office of the Clerk of the Peace for Sussex county, or if said places cannot conveniently be had, then at such proper and suitable places in the county seat of the respective counties of this

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State as shall be designated by notice signed by the said resident Associate Judge of his county, and posted on the door of the respective places aforesaid, stating where he will sit for the purpose of hearing appeals from the decision of the Registrars in the respective election districts in his county on Thursday next following the third Saturday of August, in the year in which registration is required by law to be made, at 10 o'clock in the morning of said day, on which day he shall receive appeals from such persons as shall have appealed from the decision of the registration officers of the respective election districts in his county, which shall be presented on said day, and he shall proceed to hear all appeals which shall have been filed as aforesaid on said day, and may continue the hearing of any such appeal or appeals from day to day during the remainder of the week, and shall sit again on the Tuesday next following for the purpose aforesaid, to hear and determine such appeals as shall not have been acted upon the previous week, and also such as may be presented and filed on said last mentioned day, and may continue the hearing of any appeal or appeals then unheard from day to day during the remainder of the week, and until all appeals which shall have been filed shall have been heard and decided. The said resident Associate Judge shall again sit for the purpose of hearing appeals as aforesaid on the Tuesday next following the last day of registration as provided for in this act, to receive appeals from such persons as shall have appealed from the decision of the registration officers of the respective election district in his county as aforesaid, made on the said last day of registration, and any other appeal or appeals which for any cause he may have continued from a preceding sitting, and shall proceed to hear all appeals which shall have been filed as aforesaid, and may continue the hearing of any such appeal or appeals from day to day during the remainder of the week, and shall sit again on the Tuesday next following, for the purpose aforesaid, to hear and determine such appeals as shall not have been acted upon the previous week, and also such as may be presented and filed on said last mentioned day, and may continue the hearing of any appeal or appeals then unheard from day to day during the remainder of the week, and until the close of the day next preceding the day of the election; *provided*, that all appeals which shall have been taken from the decision of the registration officers made

Time of sitting in August.

Hour.

Hearing appeals.

Sitting in September.

Oath that delay in present-

## OF THE GENERAL ELECTION.

ing appeal was not to hinder or delay. at their sittings in August and September, and which shall be presented to the resident Associate Judge at his sitting on the Tuesday next after the last day of registration as aforesaid to hear appeals, shall not be received and acted on unless the appellant shall make oath before the said resident Associate Judge that the delay in presenting his said appeal was not for the purpose of hindering or delaying the said resident Associate Judge or the officer of registration in his election district in the discharge of the duties imposed upon them respectively under the provisions of this act.

Affidavit of notice of appeal. II. No appeal shall be received and acted upon by the resident Associate Judge unless the appellant shall, at the time of presenting his appeal make an affidavit, that notice of his intention to present his appeal on this day was served upon the Registrar of his election district; any person applying to the said resident Associate Judge to have any name appearing on the register and books of registered voters in his election district in any manner incorrect to be corrected shall notify the registrar of the election district on whose books such name is incorrectly entered of his intention to make application for the correction thereof, so that the said registrar shall and may be present with his register and books of registered voters to make such corrections therein as the said resident Associate Judge shall order and direct; *provided*, that no correction shall be ordered to be made by the said resident Associate Judge unless he shall be satisfied by the oath of the applicant or otherwise that notice of the intended application for correction shall have been given to or served upon the registrar of the appellant's election district of his intention to make said application. All notices required to be given or served by the provisions of this section upon any registrar shall be so given or served personally at least three days before the application is made, or by leaving, in the presence of an adult male person, a written copy of such notice at the usual place of abode of such registrar, at least three days before the application shall be made, and no application for correction or for the hearing of an appeal shall be heard upon any day which is set apart by this act as a day for the registration of voters.

Notice to Registrar of application for corrections.

Serving of notice.

Application for correction or appeals not to be heard on day of registration.

Order of Judge for making entries. III. Upon the decision of the respective resident Associate Judges on each and every appeal, the resident Associate Judge making the decision shall order and direct the Registrar of

## OF THE GENERAL ELECTION.

the election district from the decision of whose registration officers the appeal shall have been taken, and who shall be present with his "Registers" and "Books of Registered Voters" as hereinafter provided, to make such entries in his "Registers" and "Books of Registered Voters," as such registrar is authorized by the provisions of Section 4 of Article V of the Constitution of this State and by the provisions of this act to order and direct to be made and as are required by law to be made in said "Registers" and "Books of Registered Voters" by the registration officers in case where a person is entitled to be registered as a registered voter, upon the payment of the registration fee as hereinbefore provided, or as anyone who is disqualified.

IV. All duties which are imposed upon the resident Associate Judge of the county by the provisions of this act and especially of this section shall be and they are hereby imposed upon and required to be performed by such Judge of the Supreme Court as shall at any time be sitting in any of the counties of this State for the purpose of hearing appeals under this act, in lieu of the resident Associate Judge of the county when he shall be unable to sit either from disability or absence from the county.

SECTION 17. In order that the Registrar in each and every election district in this State, may be enabled to perform the duties especially required of him by this act, he shall retain and keep possession of and be responsible for the "Registers" and "Books of Registered Voters" and book of registration certificates of his election district at all times excepting when being used by the registration officers of his election district for the purpose of registration; and it shall be his duty to attend and be present at all hearings of which he had notice before the resident Associate Judge of the county or such Judge of the Supreme Court as may be sitting for that purpose, of appeals which shall have been taken from the decision of the registration officers of his election district and also upon the hearing for the correction of any name or names on his "Registers" or "Books of Registered Voters" improperly omitted or improperly appearing or in any manner incorrect thereon, and to have with him the said "Registers" and "Books of Registered Voters" and to make such entries in said books respectively as said resident Associate Judge or Judge

Duties of Resident Judge to apply to Judge of Supreme Court sitting in place of such Resident Judge.

Registrar to be custodian of books.

Attendance at hearing of appeals

## OF THE GENERAL ELECTION.

of the Supreme Court for the purpose of hearing such appeals and make such corrections, may order and direct.

Alternate Registrar, when sitting to have all powers and duties of Registrar.

SECTION 18. All the powers and duties conferred or enjoined upon registrars by any of the provisions of this act, are hereby expressly made the powers and duties of all alternate registrars in the absence of the registrar from his election district, or his disability to perform the duties imposed upon such registrar by any of the provisions of this act; and in order to enable the alternate registrar to perform the duties in this Section imposed upon him, it shall be the duty of the registrar to deliver or cause to be delivered to the alternate registrar the register, book of registered voters, and book of registration certificates in the custody or possession of such registrar, and all notices of appeal which shall have been served upon him, whenever it shall be the duty of the alternate registrar to act in the place and stead of such registrar as provided in this Section.

Books and papers to be delivered to Alternate Registrar.

Registrar to deliver books to Inspector.

SECTION 19. It shall be the duty of the registrars in the respective election districts of this State, on the morning of the day of the general election and one hour before the opening of the polls for said election, to deliver to the inspector, or other person authorized to hold said election in his, the said registrar's election district, one of said "Registers" and one of said "Books of Registered Voters" in his possession, certified to as hereinbefore provided. And the other of said "Registers" together with the other of said "Books of Registered Voters" and the books of registration certificates, containing unused certificates, together with all other papers or documents relating to the registration of voters, he shall retain in his possession and safely keep, but the same shall at all proper times be open to the inspection of any one desiring to examine the same, without fee or reward, and also any one desiring to do so may be permitted to make copies or partial copies of any of said lists, books, documents or papers.

To keep other books safely.

Registrar to deliver duplicate books to the Clerk of the Peace.

II. And within one week after the following general election he shall deliver the said duplicates in his possession to the Clerk of the Peace of the county in which he resides, who shall safely keep the same, in his office, and the same shall be open to public inspection at all convenient times as other public records in the office of said Clerk of the Peace.

## OF THE GENERAL ELECTION.

SECTION 20. Each of the Registrars shall in addition to the other powers conferred upon him by this act have, during the respective times of the appointed sittings for registration, the powers of a Justice of the Peace to preserve order and enforce obedience to his lawful commands at or around the place of registration; to keep access to such place open and unobstructed, to prevent and suppress riots, tumults, violence and disorder at, around or near the place of registration, tending to intimidation, or to the obstruction of the work of registration and to protect and keep safe the registers or books for the registration of voters while in his and the assistant registrars' custody and possession. He may compel the presence of witnesses before them while sitting with the assistant registrars as registration officers, for all purposes connected with the performance of the duties of their office, by summons and attachment, and shall have power to administer oaths and affirmations. He may, while sitting as such officer of registration, commit for trial any person committing at, or around the place of registration a breach of the peace, or any offence forbidden by this act. He shall have the power to issue any of said summons, attachments or commitments, when sitting in any election district in this State to the Sheriff of his county or to any Constable thereof. All such process shall be served by said officers in the same manner as if they were issued by a Justice of the Peace within such county.

Registrars clothed with powers of Justice of the Peace.

Power to compel attendance of witnesses.

Oaths or affirmations.

Commitment of offenders.

To whom process may be issued.

Service of process.

II. The Sheriff or Constable in any county of this State, who shall serve any such process shall receive the same fees and in like manner as it is or may be by law, *provided* that he shall receive fees in other State cases. But no registrar shall charge or receive any compensation for any service rendered in accordance with the provisions of this Section in addition to the compensation or salary provided for in this act.

Fees of officers serving process.

Registrars not to receive compensation for this service.

SECTION 21. Each registrar shall receive five dollars per day for each day of actual service, either when sitting for the purpose of registration or in attendance upon the hearing of appeals before the resident Associate Judge of the county, or such Judge of the Supreme Court as may sit for hearing such appeals; and six per cent. as commission on all sums he may receive and pay over to the Receiver of Taxes and County Treasurer, or County Treasurer, as fees from persons registering in his election district.

Compensation of Registrar.



## OF THE GENERAL ELECTION.

**Compensation of Assistant Registrar.** II. And each assistant registrar shall receive five dollars per day for each day of actual service, when sitting for the purpose of registration.

**Compensation of Alternate Registrar.** III. And each alternate registrar shall receive five dollars per day for each day of actual service, when sitting in the place of the registrar for registration, or in attendance upon the hearing of appeals before the resident Associate Judge of the county or such Judge of the Supreme Court as may sit for hearing such appeals, and six per cent. as commissions on all sums he may receive and pay over to the registrar of his election district as fees from persons registering in his election district, said sum to be deducted from the commissions which may be allowed the registrar.

**Ascertainment of amount of compensation by Levy Court.** IV. It shall be the duty of the Levy Court in each of the counties in this State, at its November session, to ascertain the amount of compensation under this act due the registrars, alternate registrars and assistant registrars in their respective counties, and when so ascertained, the president of the said Levy Court shall certify the same to the State Treasurer, who shall thereupon pay to the persons entitled the sums severally due them out of any money appropriated for that purpose.

**Cost of printing, rent, supplies, etc.** V. The cost of printing and posting the alphabetical lists contained in the books of registered voters aforesaid, and of printing and mailing the notes required by this act, and the rent of the room or rooms used by the said registration officers in the performance of the duties required by this act, the cost of printing any forms or blanks that may be required, and the cost of the necessary ink and stationery used by them provided for by this act, shall be paid by the Levy Courts of the respective counties upon proper vouchers.

**Bringing, taking or derling, or sending spirituous liquors into or drinking same in place of registration.** **Penalty.** SECTION 22. Whoever, during the sitting of the registration officers in any election district in this State, shall bring, take, order or send into, or shall attempt to bring, take or send into any place of registration, any distilled or spirituous liquors whatever, or shall at any such time or place, drink or partake of any such liquor, shall be deemed and held to be guilty of a misdemeanor, and shall be punished by imprisonment in the county jail for not more than ninety days, or by a fine of not more than one hundred dollars, or both.

## OF THE GENERAL ELECTION.

SECTION 23. If any registrar, alternate registrar, or assistant registrar, shall fraudulently enter or fraudulently permit to be entered, in any register, the name of any person as a registered voter who is not entitled to be entered therein as a registered voter, or if any other person not authorized by the proper registration officers shall enter into any register the name of any person as a registered voter, or if any registrar, alternate registrar or assistant registrar shall fraudulently refuse or omit to register, or shall fraudulently misspell in any register or in any book of registered voters in his charge, the name of any person entitled under the provisions of this act to have his name entered in such register or book of registered voters, or if any registrar, alternate registrar, or assistant registrar, shall fraudulently strike from any register or from either of said books of registered voters in his charge the name of any person entered therein; or if any other person not authorized by the proper registration officers shall strike from any register or from any book of registered voters the name of any person entered therein; or if any registrar, alternate registrar, or assistant registrar, shall make any entry or entries in the said register, or books of registered voters, except at the times and in the manner hereinbefore provided, or if any registrar, alternate registrar or assistant registrar, shall do anything which is by this act forbidden by him done, or shall omit to do anything which is by this act required to be by him done, he shall be deemed guilty of a misdemeanor, and upon conviction thereof by indictment, shall be fined not exceeding five hundred dollars, or be imprisoned not exceeding three years, or may be both fined and imprisoned at the discretion of the Court.

Fraudulent entries, changes or alterations in books of registration.

Penalty.

SECTION 24. If any person shall cause or attempt to cause himself to be registered in the name of any other person living or dead, or under any fictitious name, or shall cause or attempt to cause himself to be registered in any election district in this State, knowing that he has not the right to be registered; or if any person, knowing himself to be registered in any election district in this State shall cause or attempt to cause himself to be registered in any other election district in this State without having first caused his name to be stricken from register and books of registered voters in which he may have been previously entered; or if any person, knowing himself to be disqualified as a voter at the next following

Person causing himself to be wrongfully registered.

## OF THE GENERAL ELECTION.

before provided, it shall be the duty of said registrar to deliver the register and the book of registered voters, which was not used at the previous general election and the other of said registers and the other of said books of registered voters shall be delivered by the several registrars to the Clerks of the Peace of their respective counties within one week after such special election.

SECTION 28. All acts and parts of acts supplied by or inconsistent with this act are hereby repealed.

*Approved May 27, A. D. 1898.*

## CHAPTER 37.

## OF THE GENERAL ELECTION.

**AN ACT** to facilitate the registering as qualified voters the citizens of Delaware engaged in the performance of military or naval duty.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

Domicile  
of persons  
in army or  
navy not  
lost.

SECTION 1. That every person enlisted or engaged in any military or naval organization of this State or the United States and who prior to enlistment was a resident of any hundred or election district of this State, shall not lose his domicile in such hundred or election district by reason of such enlistment.

Registration  
of  
citizens in  
Military  
or Naval  
service.

SECTION 2. That every male citizen of this State of the age of twenty-one years and upwards, and who is or shall hereafter be enlisted or engaged in any military or naval organization of this State or the United States shall be entitled to have his name registered as a voter in the hundred or election district in which he resided, prior to his enlistment, in the same right as he would have done had he remained continuously present in such hundred or election district during the period of his enlistment.

## OF THE GENERAL ELECTION.

SECTION 3. That the Governor of this State shall designate and appoint at the same time of appointing other registration officers of this State, some qualified citizen of the State as Auxiliary Registrar of Voters, who shall qualify and bond as other registrars are required to do, and whose duty it shall be to visit, sometime before the last Saturday in September in any year in which a general election is held, the military or naval encampment of this State, or the United States wherein the citizens of this State shall be enlisted or engaged in the discharge of military duty, for the purpose of registering, as hereinafter provided for, such citizens as voters of the hundred or election district in which they are entitled to be registered as designated in Section 2 of this act.

Appoint-  
ment of  
auxiliary  
registrar  
of voters.  
Qualify-  
ing of.  
Duty of.

SECTION 4. Upon application being made to be registered as a voter of any hundred or election district of this State, by any officer or enlisted man of any military organization before any Auxiliary Registrar of Voters as provided for in the foregoing section of this act, such application shall be deemed and taken to be a personal application within the meaning of paragraph 3, Section 4, of Article V of the Amended Constitution.

Applica-  
tion for  
registra-  
tion.

What  
deemed  
personal  
applica-  
tion.

SECTION 5. That the Auxiliary Registrar herein provided for, shall notify the encampment or encampments of the time he will visit them for the purpose of registering voters, that he shall sit for registering during such hours of the day as shall be arranged to suit the convenience of such military organization.

Notice of  
time of  
visiting  
camp.

SECTION 6. The Auxiliary Registrar shall make and keep a complete list of the names of all those applying to him to be registered, together with their qualifications as to age, color, birth, nativity, etc., in the same manner and detail as is required to be done by on the books of registration kept by the registrars sitting in the various hundreds or election districts of this State.

List of ap-  
plicants  
and quali-  
fications  
to be kept  
by Regis-  
trar.

How kept.

SECTION 7. The Auxiliary Registrar shall make a separate and distinct list for each hundred or election district of this State of all those applying to him to be registered in such hundred or election district. He shall also receive the constitutional fee of one dollar from all those so applying to him, before he shall enter their names.

Separate  
lists for  
Districts.

Registra-  
tion fee.

## OF THE GENERAL ELECTION.

Return of  
Auxiliary  
Registrar  
of list, etc.  
to regis-  
tration  
officers.

SECTION 8. Immediately upon the completion of these lists of registration and not later than the third Saturday next preceding the day of the next general election, the Auxiliary Registrar shall make and certify under oath, and forward by registered mail or personal delivery, to the registrars of the various hundreds or election districts of this State, the names and qualifications as recorded by him of all those who applied to him to be registered in such hundreds or election districts; together with the constitutional fee for registration received by him from them.

Registra-  
tion fee.

Opening  
lists and  
register-  
ing by reg-  
istration of-  
ficers.

SECTION 9. The registrars of and for the respective hundreds or election districts of this State, who shall receive any such list from any auxiliary registrar as herein provided for, shall open such list of voters during the first hour of the next succeeding meeting of the officers of registration for the purpose of registering. Then and there the registrar shall in a clear and distinct voice, audible to those in the room and as well to those about the window, where voters are gathered for the purpose of being registered, read the name of each voter so returned by the auxiliary registrar for registration. Every name shall be entered upon the books of registration kept in and for such hundred or election district, if it is found that the person represented by such name would have been qualified to have appeared there in person and been registered. But any member of the Board of Registration or any qualified voter of the election district may challenge the registering of the names upon the book of registration, for the hundred or election district; and the question of the right to register such name shall be determined by the registration officers just as they are authorized to determine like questions concerning those who present themselves before them there in the election district. The registrar shall keep complete and inviolate the list of names and qualifications just as he received them from the auxiliary registrar, but such list shall always be subject to the inspection of the qualified voters of the election district, *provided* it shall not be taken from the possession of the registrar.

Who to be  
registered.

Challenge

Registrar  
to keep  
list.

List of  
those reg-  
istered for  
inspection

The registrar of the election district shall also make and keep for the inspection of the voters of his election district a list of all those names which he has received from the auxiliary registrar, and which have been granted registration on

## OF THE GENERAL ELECTION.

the books of that hundred or election district, and he shall also keep another separate list of all the names so received by him which have been denied registration upon said books, and those lists shall in like manner be at all times subject to the inspection of the qualified voters of that hundred or election district. And from the action of the registration officers in so granting or refusing registration to any name received from the auxiliary registrar, any registration officer or interested party may appeal as provided for in Section 4 of Article V of the amended Constitution. <sup>List not registered.</sup>

SECTION 10. All registration fees received by the registration officer of any district from the auxiliary registrar shall be held by him and delivered with other fees for the benefit of his county, whether the name of the party having paid the fee shall have been registered or not. <sup>Registration fee.</sup>

SECTION 11. The auxiliary registration officer provided for by this act shall receive such compensation per day as is allowed to registrars sitting in the various districts of this State, and he shall be allowed and paid by the State Treasurer such an amount for travelling expenses as shall be approved by the State Auditor upon vouchers presented him. <sup>Compensation of Auxiliary Registrar. How paid.</sup>

*Approved June 25, A. D. 1898.*

## OF THE GENERAL ELECTION.

## CHAPTER 38.

## OF THE GENERAL ELECTION.

## AN ACT in regard to General Election.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

General  
election,  
where  
held.

SECTION 1. The general election in and for the several counties of this State, on the Tuesday next after the first Monday of November, shall be held in the respective election districts of the Representative districts of said counties, at the places hereinafter appointed for that purpose, that is to say.

## FOR THE CITY OF WILMINGTON.

Depart-  
ment of  
election to  
designate  
voting  
places in  
Wilmington.

Who to  
vote.

The Department of Elections for the City of Wilmington, established by virtue of an act of the General Assembly, entitled "An Act creating a Department of Elections for the City of Wilmington," approved May 20th, A. D. 1898, shall at the time of dividing the said city into election districts and establishing the boundaries thereof, designate some suitable and proper place in each election district for holding the elections therein, and all persons entitled to vote in the said several respective election districts thus established, shall vote at the place designated and appointed by the said Department of Elections, for holding elections in the said several respective election districts.

6th Rep.  
district.

## FOR NEW CASTLE COUNTY OUTSIDE OF THE CITY OF WILMINGTON.

First Elec-  
tion dis-  
trict.

Who to  
vote in.  
Place of  
voting.

The first election district of the sixth representative district shall embrace all that portion of Brandywine hundred heretofore known as the eastern election district of Brandywine hundred, and all persons entitled to vote in said first election district, shall vote at the place heretofore designated by law for holding elections in said eastern election district of Brandywine hundred.

2nd Elec-  
tion dis-  
trict.

The second election district of the sixth representative district shall embrace all that portion of Brandywine hundred

## OF THE GENERAL ELECTION.

heretofore known as the northern election district of Brandywine hundred, and all persons entitled to vote in said second election district shall vote at the place heretofore designated by law for holding elections in said northern election district of Brandywine hundred.

Who to  
vote in.  
Place of  
voting.

The third election district of the sixth representative district shall embrace all that portion of Brandywine hundred heretofore known as the southern election district of Brandywine hundred, and all persons entitled to vote in said third election district, shall vote at the place heretofore designated by law for holding elections in said southern election district of Brandywine hundred.

3rd elec-  
tion dis-  
trict.

Who to  
vote in.  
Place of  
voting.

The first election district of the seventh representative district shall embrace all that portion of Christiana hundred heretofore known as the Newport southern election district of Christiana hundred, and all persons entitled to vote in said first election district, shall vote at the place heretofore designated by law for holding elections in said Newport southern election district of Christiana hundred.

7th Rep.  
District,  
1st Elec-  
tion Dis-  
trict.

Who to  
vote in.  
Place of  
voting.

The second election district of the seventh representative district shall embrace all that portion of Christiana hundred heretofore known as the Marshallton southern election district of Christiana hundred, and all persons entitled to vote in said second election district shall vote at the place heretofore designated by law for holding elections in said Marshallton southern election district of Christiana hundred.

2nd elec-  
tion dis-  
trict.

Who to  
vote in.  
Place of  
voting.

The third election district of the seventh representative district shall embrace all that portion of Christiana hundred heretofore known as the northern election district of Christiana hundred, and all persons entitled to vote in said third election district, shall vote at the place heretofore designated by law for holding elections in said northern election district of Christiana hundred.

3rd Elec-  
tion Dis-  
trict.

Who to  
vote in.  
Place of  
voting.

The fourth election district of the seventh representative district shall embrace all that portion of Christiana hundred as is now provided by law as the western election district of Christiana hundred, and all persons entitled to vote in said fourth election district shall vote at the place heretofore designated by law for holding elections in said western election district of Christiana hundred.

4th Elec-  
tion dis-  
trict.

Who to  
vote in.  
Place of  
voting.



## OF THE GENERAL ELECTION.

5th Elec-  
tion Dis-  
trict.  
Bounda-  
ries.

The fifth election district of the seventh representative district shall embrace all that portion of Christiana hundred lying within the following boundaries; that commencing in the middle of the public road at the Barley Mill, formerly operated by Pyle & McIntyre, running along the middle of said road in a westerly direction past the St. Joseph's Catholic Church and across the Kennett Turnpike; thence continuing along the said road by its various courses to the eastern bank of Red Clay Creek; thence along the said creek in a southerly direction by its several courses to the middle of the Lancaster Turnpike; thence along the middle of the said Turnpike in an easterly direction to the western boundary line of the City of Wilmington; thence following the said boundary line by its several courses in a northern direction to the south bank of the Brandywine; thence along the said Brandywine by its several courses in a westerly direction to the place of beginning, the Barley Mill. Being the east election district of Christiana hundred as formed by an act of the General Assembly passed at Dover, March nineteenth, 1897, and all persons entitled to vote in said fifth election district shall vote at the public house of Thomas J. Lawless known as Mt. Pleasant hotel in said east election district of the seventh representative district.

Who to  
vote in.  
Place of  
voting.

8th Rep.  
Dist. 1st  
Election  
Dist.

The first election district of the eighth representative district shall embrace all that portion of Mill Creek hundred heretofore known as the Mill Creek eastern election district, and all persons entitled to vote in said first election district shall vote at the place heretofore designated by law for holding elections in said Mill Creek eastern election district.

Who to  
vote in.  
Place of  
voting.

2d Elec-  
tion Dist.

The second election district of the eighth representative district shall embrace all that portion of Mill Creek hundred, heretofore known as Mill Creek northern election district, and all persons entitled to vote in said second election district shall vote at the place heretofore designated by law for holding elections in said Mill Creek northern election district.

Who to  
vote in.  
Place of  
voting.

3d Elec-  
tion Dist.

The third election district of the eighth representative district shall embrace all that portion of Mill Creek hundred, heretofore known as the Mill Creek western election district, and all persons entitled to vote in said third election district shall vote at the place heretofore designated by law for holding elections in said Mill Creek western election district.

Who to  
vote in.  
Place of  
voting.

## OF THE GENERAL ELECTION.

The first election district of the ninth representative district shall embrace all that portion of White Clay Creek hundred heretofore known as the White Clay Creek west election district, and all persons entitled to vote in said first election district, shall vote at the place heretofore designated by law for holding elections in said White Clay Creek west election district.

8th Rep.  
Dist., 1st  
Election  
Dist.

Who to  
vote in.  
Place of  
voting.

The second election district of the ninth representative district shall embrace all that portion of White Clay Creek hundred heretofore known as the White Clay Creek central election district, and all persons entitled to vote in said second election district shall vote at the place heretofore designated by law for holding elections in said White Clay Creek central election district.

2d Elec-  
tion Dist.

Who to  
vote in.  
Place of  
voting.

The third election district of the ninth representative district shall embrace all that portion of White Clay Creek hundred heretofore known as the White Clay Creek east election district, and all persons entitled to vote in said third election district shall vote at the place heretofore designated by law for holding elections in said White Clay Creek east election district.

3d election  
district.

Who to  
vote in.  
Place of  
voting.

The first election district of the tenth representative district shall embrace all that portion of New Castle hundred heretofore known as the eastern election district of New Castle hundred, and all persons entitled to vote in said first election district shall vote at the place heretofore designated by law for holding elections in said eastern election district of New Castle hundred.

10th Rep.  
Dist., 1st  
Election  
District.

Who to  
vote in.  
Place of  
voting.

The second election district of the tenth representative district shall embrace all that portion of New Castle hundred heretofore known as the northern election district of New Castle hundred, and all persons entitled to vote in said second election district shall vote at the place heretofore designated by law for holding elections in said northern election district of New Castle hundred.

2d Elec-  
tion Dist.

Who to  
vote in.  
Place of  
voting.

The third election district of the tenth representative district shall embrace all that portion of New Castle hundred heretofore known as the western election district of New Castle hundred and all persons entitled to vote in said third elec-

3d Elec-  
tion Dist.

Who to  
vote in.

## OF THE GENERAL ELECTION.

Place of voting. tion district shall vote at the place heretofore designated by law for holding elections in said western election district of New Castle hundred.

4th election district. The fourth election district of the tenth representative district shall embrace all that portion of New Castle hundred heretofore known as the southern election district of New Castle hundred, and all persons entitled to vote in said fourth election district shall vote at the place heretofore designated by law for holding elections in said southern election district of New Castle hundred.

Who to vote in.  
Place of voting.

11th Rep. District. 1st Election Dist. The first election district of the eleventh representative district shall embrace all that portion of Pencader hundred heretofore known as north Pencader election district of Pencader hundred, and all persons entitled to vote in said first election district shall vote at the place heretofore designated by law for holding elections in said North Pencader election district of Pencader hundred.

Who to vote in.  
Place of voting.

2d Election Dist. The second election district of the eleventh representative district shall embrace all that portion of Pencader hundred heretofore known as the south Pencader election district of Pencader hundred, and all persons entitled to vote in said second election district shall vote at the place heretofore designated by law for holding elections in said south Pencader election district of Pencader hundred.

Who to vote in.  
Place of voting.

12th Rep. Dist. 1st Election Dist. The first election district of the twelfth representative district shall embrace all that portion of Red Lion hundred heretofore known as the Red Lion eastern election district, and all persons entitled to vote in said first election district shall vote at the place heretofore designated by law for holding elections in said Red Lion eastern election district.

Who to vote in.  
Place of voting.

2d Election Dist. The second election district of the twelfth representative district shall embrace all that portion of Red Lion hundred heretofore known as the Red Lion western election district, and all persons entitled to vote in said second election district shall vote at the place heretofore designated by law for holding elections in said Red Lion western election district.

Who to vote in.  
Place of voting.

13th Rep. Dist. 1st Election Dist. The first election district of the thirteenth representative district shall embrace all that portion of St. George's hundred, heretofore known as the east St. George's first election pre-

## OF THE GENERAL ELECTION.

cinct, and all persons entitled to vote in said first election district shall vote at the place heretofore designated by law for holding elections in said east St. George's first election precinct.

Who to  
vote in.  
Place of  
voting.

The second election district of the thirteenth representative district shall embrace all that portion of St. George's hundred heretofore known as the east St. George's second election precinct, and all persons entitled to vote in said second election district shall vote at the place heretofore designated by law for holding elections in said east St. George's second election precinct.

2d Elec-  
tion Dist.

Who to  
vote in.  
Place of  
voting.

The third election district of the thirteenth representative district shall embrace all that portion of St. George's hundred heretofore known as the west St. George's first election precinct, and all persons entitled to vote in said third election district, shall vote at the place heretofore designated by law for holding elections in said west St. George's first election precinct.

3d Elec-  
tion Dist.

Who to  
vote in.  
Place of  
voting.

The fourth election district of the thirteenth representative district shall embrace all that portion of St. George's hundred heretofore known as the west St. George's second election precinct, and all persons entitled to vote in said fourth election district shall vote at the place heretofore designated by law for holding elections in said west St. George's second election precinct.

4th Elec-  
tion Dist.

Who to  
vote in.  
Place of  
voting.

The first election district of the fourteenth representative district shall embrace all that portion of Appoquinimink hundred, heretofore known as the eastern election district of Appoquinimink hundred, and all persons entitled to vote in said first election district shall vote at the place heretofore designated by law for holding elections in said eastern election district of Appoquinimink hundred.

14th Rep.  
Dist., 1st  
Election  
Dist.

Who to  
vote in.  
Place of  
voting.

The second election district of the fourteenth representative district shall embrace all that portion of Appoquinimink hundred heretofore known as the western election district of Appoquinimink hundred, and all persons entitled to vote in said second election district shall vote at the place heretofore designated by law for holding elections in said western election district of Appoquinimink hundred.

2d Elec-  
tion Dist.

Who to  
vote in.  
Place of  
voting.

## OF THE GENERAL ELECTION.

15th Rep.  
Dist., 1st  
Election  
Dist.

Who to  
vote in.  
Place of  
voting.

The first election district of the fifteenth representative district shall embrace all that portion of Blackbird hundred heretofore known as the eastern election district of Blackbird hundred, and all persons entitled to vote in said first election district shall vote at the place heretofore designated by law for holding elections in said eastern election district of Blackbird hundred.

2d Elec-  
tion Dist.

Who to  
vote in.  
Place of  
voting.

The second election district of the fifteenth representative district shall embrace all that portion of Blackbird hundred heretofore known as the western election district of Blackbird hundred, and all persons entitled to vote in said second election district shall vote at the place heretofore designated by law for holding elections in said western election district of Blackbird hundred.

## FOR KENT COUNTY.

1st Rep.  
Dist., 1st  
Election  
District.

Who to  
vote in.  
Place of  
voting.

The first election district of the first representative district shall embrace all that portion of Duck Creek hundred heretofore known as the eastern election district of Duck Creek hundred and all persons entitled to vote in said first election district shall vote at the place heretofore designated by law for holding elections in said eastern election district of Duck Creek hundred.

2d Elec-  
tion Dist.

Who to  
vote in.  
Place of  
voting.

The second election district of the first representative district shall embrace all that portion of Duck Creek hundred heretofore known as the western election district of Duck Creek hundred, and all persons entitled to vote in said second election district shall vote at the place heretofore designated by law for holding elections in said western election district of Duck Creek hundred.

2d Rep.  
Dist., 1st  
Election  
Dist.

Who to  
vote in.  
Place of  
voting.

The first election district of the second representative district shall embrace all of Little Creek hundred, and all persons entitled to vote in said first election district shall vote at the place heretofore designated by law for holding elections in said Little Creek hundred.

2d Elec-  
tion Dist.

Who to  
vote in.  
Place of

The second election district of the second representative district, shall embrace all that portion of East Dover hundred heretofore known as election district number one, of East Dover hundred, and all persons entitled to vote in said second election district, shall vote at the place heretofore designated

OF THE GENERAL ELECTION.

by law for holding elections in said election district, number voting.  
one, of East Dover hundred.

The election district of the third representative district, shall embrace all of Kenton hundred, and all persons entitled to vote in said election district shall vote at the place heretofore designated by law for holding elections in said Kenton hundred.

3d Rep.  
Dist. Elec-  
tion Dist.  
Who to  
vote in.  
Place of  
voting.

The election district of the fourth representative district shall embrace all of West Dover hundred and all that portion of East Dover hundred lying next to West Dover hundred and separated from the rest of East Dover hundred by the following boundary lines. Beginning at the middle of the public road leading from the Horsehead road to Kenton at the point of intersection of Kenton hundred and East Dover hundred, thence running along the middle of said road to the Horsehead road, thence running in a westerly direction along the middle of the said Horsehead road a short distance to a short road leading from the said Horsehead road to the road from Dover to Hazlettsville, known as the Hazlettsville road, thence running along the middle of the said short road from the Horsehead road to the said Hazlettsville road, thence running in a westerly direction along the middle of the said Hazlettsville road a short distance to the road leading therefrom to Wyoming, thence running along the middle of the said road leading from the said Hazlettsville road to Wyoming to the point of intersection of East Dover hundred and North Murderville hundred, and all persons entitled to vote in said election district shall vote at the place heretofore designated by law for holding elections in West Dover hundred.

4th Rep.  
Dist. Elec-  
tion Dist.

Bounda-  
ries.

Who to  
vote in.  
Place of  
voting.

The first election district of the fifth representative district shall embrace all that portion of election district, number two of East Dover hundred, which is not included in representative district, number four, and all persons entitled to vote in said first election district shall vote at the place heretofore designated by law for holding elections in said election district, number two, in East Dover hundred.

5th Rep.  
Dist., 1st  
Election  
District.

Who to  
vote in.  
Place of  
voting.

The second election district of the fifth representative district shall embrace all that portion of the third election district of East Dover hundred which is not included in repre-

2d Elec-  
tion Dist.

## OF THE GENERAL ELECTION.

Who to  
vote in.  
Place of  
voting.

sentative district, number four, and all persons entitled to vote in said second election district shall vote at the place heretofore designated by law for holding elections in said third election district of East Dover hundred.

6th Rep.  
1st Dist., 1st  
Election  
District.

Bounda-  
ries.

The first election district of the sixth representative district shall embrace all those portions of North Murderkill and South Murderkill hundreds included within the following boundary lines: Beginning at a point on the Maryland line where the line dividing West Dover hundred and North Murderkill hundred intersects the same running thence with said Maryland line south to the point where the northern boundary line of the second election district of the sixth representative district intersects the said Maryland line, thence easterly with said northern boundary line of said second election district to the road from Felton to Whiteleysburg, thence along said road to the Owl's Nest Road, thence running in a northerly direction along the middle of the said Owl's Nest Road to the intersection of the Cowgill Road from Woodside to Petersburg, thence running in a northeasterly direction along the middle of the said Cowgill Road to the Reed Road running from Woodside to DuPont's School House, thence running in a northwesterly direction along the middle of the said Reed Road to DuPont's School House, thence running in a northerly direction along the middle of the public road leading from Willow Grove to Camden, a short distance to Stubb's Corner, thence running in a westerly and northwesterly and westerly direction along the middle of the public road leading from DuPont's School House to the Alms House to Gray's Corner, thence continuing in a direct westerly line to the southern boundary line of West Dover hundred, thence following the southern boundary line of West Dover hundred in a westerly direction to the place of beginning, and all persons entitled to vote in said first election district shall vote at the place heretofore designated by law for holding elections in the west election district of North Murderkill hundred.

Who to  
vote in.  
Place of  
voting.

2d Elec-  
tion Dist.

Bounda-  
ries.

The second election district of the sixth representative district, shall embrace all that portion of North Murderkill, South Murderkill and Mispillion hundreds included within the following boundary lines; beginning at the intersection of the southern line of South Murderkill hundred with the

## OF THE GENERAL ELECTION.

State of Maryland, thence running along the division line between Mispillion hundred and South Murderkill hundred to the public road leading from Whiteleysburg to Harrington, thence running in a southeasterly and easterly direction along the middle of said public road to the public road leading from Masten's Corner to Vernon, at or near White's Church, thence running in a northeasterly direction along the middle of the said public road leading from Masten's Corner to Vernon a short distance to the public road leading therefrom to the town of Harrington being a continuation of the road leading from Whiteleysburg to Harrington, thence running in a southeasterly direction to the intersection of West street in the town of Harrington, thence running in a northerly direction along the middle of said West street to the middle of Walcott street in said town of Harrington, thence running in an easterly direction along the middle of said Walcott street to the middle of Dorman street in said town of Harrington, thence running in a northerly direction along the middle of said Dorman street to Brown's Branch being the northwest corner of lands of Joseph Ward, thence running in an easterly direction with the course of said branch to the Delaware Railroad, thence running in a northerly direction along said Delaware Railroad to Beaver Dam Branch in South Murderkill hundred, thence following the course of said Beaver Dam Branch in a northwesterly direction to the public road leading from Felton to Whiteleysburg, thence westerly with the said last mentioned road to what is known as the "Big Ash," thence in a northerly direction with the public road leading by Willis' Chapel, thence by the public school house near Mrs. Charles Warren and on by Cohee's Shops and Sandtown, leaving the village to the north, thence by the county road leading from Sandtown to Greensboro to the Maryland line, thence by the said Maryland line south to the place of beginning, and all persons entitled to vote in said second election district shall vote at Masten's Corner at such place as shall be procured by the inspector or other officer holding the election in said election district of the sixth representative district.

The election district of the seventh representative district shall embrace all that portion of North Murderkill hundred not included in representative district, number six, and all persons entitled to vote in said election district shall vote at

Who to  
vote in.  
Place of  
voting.

7th Rep.  
Dist., Elec-  
tion Dist.  
Who to  
vote in.  
Place of



## OF THE GENERAL ELECTION.

voting. the place heretofore designated by law for holding elections in the eastern election district of North Murderkill hundred.

8th Rep.  
Dist., 1st  
Election  
Dist.

Bounda-  
ries.

The first election district of the eighth representative district shall embrace all that portion of South Murderkill hundred which is not included in the sixth representative district, and which lies west of the following lines: Beginning at a point at or near Locust Grove school-house on the line dividing North and South Murderkill hundreds, and running thence southerly by the public road leading to and by Virden's Mill, and thence southerly by the same public road to Boswell's Mill, thence southerly to the Felton and Frederica road, thence southwesterly with line of said Frederica and Felton road to Roe's Corner, on the road from Canterbury to Roe's Village, thence easterly by a public road to a public road leading to Spring Mills, and thence by the said last mentioned road to said Spring Mills, thence southerly to the line dividing Milford from South Murderkill hundred, and all persons entitled to vote in said first election district shall vote at the place heretofore designated for holding elections in election district, number one, of South Murderkill hundred.

Who to  
vote in.  
Place of  
voting.

8th Rep.  
Dist., 2d  
Election  
District.

Who to  
vote in.  
Place of  
voting.

The second election district of the eighth representative district shall embrace all that portion of South Murderkill hundred lying east of the first election district of the said representative district, and all persons entitled to vote in said second election district shall vote at the place heretofore designated for holding elections in election district, number two, of South Murderkill hundred.

8th Rep.  
Dist., 1st  
Election  
District.

Who to  
vote in.  
Place of  
voting.

The first election district of the ninth representative district shall embrace all that portion of election district, number one of Mispillion hundred not included in representative district, number six, and all persons entitled to vote in said first election district shall vote at the place heretofore designated by law for holding elections in election district, number one, of Mispillion hundred.

2nd elec-  
tion dis-  
trict.

Who to  
vote in.  
Place of  
voting.

The second election district of the ninth representative district shall embrace all that portion of Mispillion hundred lying south of the first election district of said ninth representative district, and all persons entitled to vote in said second election district shall vote at the place heretofore designated by law for holding elections in election district, number two, of Mispillion hundred.

## OF THE GENERAL ELECTION.

The first election district of the tenth representative district shall embrace all that portion of Milford hundred included in the eastern election district of Milford hundred, and all persons entitled to vote in said first election district shall vote at the place heretofore designated by law for holding elections in said eastern election district of Milford hundred.

10th Rep.  
Dist., 1st  
Election  
District.

Who to  
vote in.  
Place of  
voting.

The second election district of the tenth representative district shall embrace all that portion of Milford hundred included in the western election district of Milford hundred, and all persons entitled to vote in said second election district shall vote at the place heretofore designated by law for holding elections in said western election district of Milford hundred.

2nd Elec-  
tion dis-  
trict.

Who to  
vote in.  
Place of  
voting.

## FOR SUSSEX COUNTY.

The first election district of the first representative district shall embrace all that portion of Cedar Creek hundred heretofore known as the South Milford election district of Cedar Creek hundred and all persons entitled to vote in said first election district, shall vote at the place heretofore designated by law for holding elections in said South Milford election district of Cedar Creek hundred.

1st Rep.  
Dist., 1st  
Election  
District.

Who to  
vote in.  
Place of  
voting.

The second election district of the first representative district shall embrace all that portion of Cedar Creek hundred heretofore known as the Lincoln election district of Cedar Creek hundred and all persons entitled to vote in said second election district shall vote at the place heretofore designated by law for holding elections in said Lincoln election district of Cedar Creek hundred.

2d Elec-  
tion Dist.

Who to  
vote in.  
Place of  
voting.

The first election district of the second representative district shall embrace all that portion of Nanticoke hundred which lies north and west of Gravelly Branch, beginning at a point where the said Gravelly Branch intersects the dividing line between Georgetown and Nanticoke hundreds and running in a southwesterly course to what was formerly known as Rest's Old Mill, thence along said branch to what was formerly known as Collins' "Mills," to its mouth, being at the head of Middleford Mill Pond, and all persons entitled to vote in said first election district shall vote at Owen's Station, at such place as shall be procured by the Inspector or

2d Rep.  
District.  
1st Elec-  
tion Dist.  
Bounda-  
ries.

Who to  
vote in.  
Place of  
voting.

## OF THE GENERAL ELECTION.

other officer holding the election in said first election district of the second representative district.

2d Elec-  
tion Dist.

Who to  
vote in.  
Place of  
voting.

The second election district of the second representative district shall embrace all of North West Fork hundred, and all persons entitled to vote in said second election district shall vote at the place heretofore designated by law for holding elections in said North West Fork hundred.

3rd Rep.  
Dist., 1st  
Election  
Dist.  
Bounda-  
ries.

Who to  
vote in.  
Place of  
voting.

The first election district of the third representative district shall embrace all that portion of Nanticoke hundred, which lies south and east of said Gravelly Branch, beginning at a point where the said Gravelly Branch intersects the dividing line between Nanticoke and Georgetown hundreds, running in a southwesterly course to what was formerly known as Rest's Old Mill, thence along the said branch to what was formerly known as Collins' Mills, to its mouth at the head of Middleford Mill Pond, and all persons entitled to vote in said first election district shall vote at the place known as "Old Furnace," at such place as shall be procured by the Inspector or other officer holding the election in said first election district of the third representative district.

2d Elec-  
tion Dist.

Who to  
vote in.  
Place of  
voting.

The second election district of the third representative district shall embrace all of Seaford hundred, and all persons entitled to vote in said second election district shall vote at the place heretofore designated by law for holding elections in said Seaford hundred.

4th Rep.  
Dist., Elec-  
tion Dist.

Who to  
vote in.  
Place of  
voting.

The election district of the fourth representative district shall embrace all of Broad Creek hundred, and all persons entitled to vote in said election district shall vote at the place now designated by law for holding elections in said Broad Creek hundred.

5th Rep.  
Dist., 1st  
Election  
Dist.

Who to  
vote in.  
Place of  
voting.

The first election district of the fifth representative district shall embrace all that portion of Little Creek hundred, heretofore known as the west election district of Little Creek hundred, and all persons entitled to vote in said first election district shall vote at the place heretofore designated by law for holding elections in said west election district of Little Creek hundred.

2d Elec-  
tion Dist.

The second election district of the fifth representative district shall embrace all that portion of Little Creek hundred

## OF THE GENERAL ELECTION.

heretofore known as the east election district of Little Creek hundred, and all persons entitled to vote in said second election district shall vote at the place heretofore designated by law for holding elections in said east election district of Little Creek hundred.

Who to  
vote in.  
Place of  
voting.

The first election district of the sixth representative district shall embrace all that portion of Dagsboro hundred lying north of the public road beginning at Millsboro Mills, and running with said public road or main street of Millsboro in a westerly direction through the town of Millsboro, thence by and with the said public road to Phillips' Hill, and thence with the said public road by way of Carey's Methodist Episcopal church to the line of Gumboro hundred, and all persons entitled to vote in said first election district shall vote at the place called "Poll Dam," at such place as shall be procured by the Inspector or other officer holding the election in said first election district of the sixth representative district.

6th Rep.  
Dist., 1st  
Election  
Dist.  
Bounda-  
ries.

Who to  
vote in.  
Place of  
voting.

The second election district of the sixth representative district shall embrace all that portion of Dagsboro hundred lying south of the public road beginning at Millsboro Mills, and running with the said public road or main street of Millsboro in a westerly direction through the town of Millsboro, thence by and with the said public road to Phillips' Hill, and thence with the said public road by way of Carey's Methodist Episcopal church to the line of Gumboro hundred, and all persons entitled to vote in said second election district shall vote at the town of Dagsboro at such place as shall be procured by the Inspector or other officer holding the election in said second election district of the sixth representative district.

2d Elec-  
tion Dist.  
Founda-  
ries.

Who to  
vote in.  
Place of  
voting.

The third election district of the sixth representative district shall embrace all of Gumboro hundred, and all persons entitled to vote in said third election district shall vote at the place heretofore designated by law for holding elections in said Gumboro hundred.

3d Elec-  
tion Dist.  
Who to  
vote in.  
Place of  
voting.

The first election district of the seventh representative district shall embrace all that portion of Baltimore hundred lying north of the public road beginning at the Baltimore mill dam and running down the public road by Peter R. Hickman, by way of the Trap school house to H. H. Hick-

7th Rep.  
Dist., 1st  
Election  
Dist.  
Bounda-  
ries.

## OF THE GENERAL ELECTION.

Who to  
vote in.  
Place of  
voting.

man's store, thence down said county road to a county road opposite the farm of George L. Barnett, thence running along said road to a bridge across William's Creek, known as Derickson's Old Mill, being the north election district of Baltimore hundred as formed by the act of the General Assembly, passed April 22nd, 1897, and all persons entitled to vote in said first election district shall vote at the school house of school district, No. 181, in the town of Millville, in said first election district of the seventh representative district.

2d Elec-  
tion Dist.  
Bounda-  
ries.

The second election district of the seventh representative district shall embrace all that portion of Baltimore hundred lying south of the public road beginning at the Baltimore Mill Dam and running down the public road by Peter R. Hickman, by way of the Trap school house to H. H. Hickman's store, thence down said county road to a county road opposite the farm of George L. Arnett, thence running along said road to a bridge across William's Creek, known as Derickson's Old Mill, being the south election district of Baltimore hundred, as formed by the act of the General Assembly passed April 22, 1897, and all persons entitled to vote in said second election district, shall vote at Selbyville at such place as shall be procured by the Inspector or other officer holding the election in said second election district of the seventh representative district.

Who to  
vote in.  
Place of  
voting.

8th Rep.  
Dist., Elec-  
tion Dist.  
Who to  
vote in.  
Place of  
voting.

The election district of the eighth representative district shall embrace all of Indian River hundred and all persons entitled to vote in said election district shall vote at the place heretofore designated by law for holding elections in said Indian River hundred.

9th Rep.  
Dist., Elec-  
tion Dist.  
Who to  
vote in.  
Place of  
voting.

The election district of the ninth representative district shall embrace all of Georgetown hundred, and all persons entitled to vote in said election district shall vote at the place heretofore designated by law for holding elections in said Georgetown hundred.

10th Rep.  
Dist., 1st  
Election  
Dist.  
Who to  
vote in.  
Place of  
voting.

The first election district of the tenth representative district shall embrace all of Broadkiln hundred, and all persons entitled to vote in said election district shall vote at the place heretofore designated by law for holding elections in said Broadkiln hundred.

## OF THE GENERAL ELECTION.

The second election district of the tenth representative district shall embrace all of Lewes and Rehoboth hundred and all persons entitled to vote in said election district shall vote at the place heretofore designated by law for holding elections in said Lewes and Rehoboth hundred.

10th Rep.  
Dist., 2d  
Election  
District.  
Who to  
vote in.  
Place of  
voting.

SECTION 2. If at any time it shall be impracticable to hold the election in any election district at the place appointed by law, the Inspector of such election district or other officer authorized by law to hold the election therein shall have power to appoint some other place in said election district as near as can be conveniently obtained to the place herein directed, and he shall give public notice of the place so appointed by advertisements posted in at least five of the most public places of the election district, if circumstances will admit of such notice being given, but if not then he shall give such public and general notice as the circumstances will permit.

Change of  
voting.

Notice.

SECTION 3. The Sheriff of each county shall, after the 23rd and before the 27th day of October, in the year of holding the general election, deliver to the Inspector of each election district or other officer authorized by law to hold the election therein, two suitable ballot boxes, with a piece of tape and sealing wax, together with a list of all the officers to be chosen at the then next general election, written or printed forms of tally lists, of certificates of election in said election district, of the oath or affirmation of the Inspector or other person authorized by law to hold the election therein, and the persons to be taken as Judges of the election and also of the clerks who shall be chosen to act at such election, and of the certificate of administering such oaths or affirmation with printed or written directions as to correcting, completing and signing such oath or affirmation, and certificate of administering the same and shall also deliver to each Inspector or other officer authorized by law to hold the election as aforesaid, a book of blank forms of oaths (or affirmations) provided for in Section 19 of this Act.

Sheriff to  
deliver  
ballot  
boxes, list  
of officers,  
tally lists,  
etc.

Oaths.

SECTION 4. The ballot boxes shall each be of sufficient size to contain all the ballots of the election district, with one of the tally lists and certificates of election; in the lid of one of the boxes there shall be a hole sufficient only to admit with convenience one ballot, and it shall be furnished with a

Ballot  
boxes, size,  
etc.

OF THE GENERAL ELECTION.

lock and key for securing the lid ; the lid of the other box shall be without a hole, and it shall be so constructed as to be secured with tape or sealing wax.

**Tally lists.** SECTION 5. There shall be two of the said tally lists each of which shall consist of a margin on the left for the names of the persons voted for, and squares formed by parallel lines, drawn from left to right, and from the bottom to the top of the sheet, each square to be sufficient to contain five distinct rows of five distinct dots of a pen in each row, and there shall be a sufficient number of squares in each row of squares from left to right to contain more dots than any other person will probably receive votes in the election district.

**Certificates of election.** SECTION 6. There shall be two of the said certificates of election which may be according to the following form, viz :

**Form of.** . . . . . County and . . . . . Election District of . . . . . Representative District, ss.  
At the general election held in the said election district, on the Tuesday next after the first Monday in November, A. D., eighteen hundred and . . . . the votes stand as follows :

FOR THE OFFICE OF ELECTORS OF PRESIDENT AND VICE-PRESIDENT.

. . . . .	Received	. . . . .	votes
. . . . .	Received	. . . . .	votes

FOR THE OFFICE OF GOVERNOR.

. . . . .	Received	. . . . .	votes
. . . . .	Received	. . . . .	votes

FOR THE OFFICE OF LIEUTENANT-GOVERNOR.

. . . . .	Received	. . . . .	votes
. . . . .	Received	. . . . .	votes

FOR THE OFFICE OF REPRESENTATIVE IN CONGRESS.

. . . . .	Received	. . . . .	votes
. . . . .	Received	. . . . .	votes

FOR THE OFFICE OF ATTORNEY GENERAL.

. . . . .	Received	. . . . .	votes
. . . . .	Received	. . . . .	votes

OF THE GENERAL ELECTION.

FOR THE OFFICE OF INSURANCE COMMISSIONER.

. . . . .	Received . . . . .	votes
. . . . .	Received . . . . .	votes

FOR THE OFFICE OF STATE TREASURER.

. . . . .	Received . . . . .	votes
. . . . .	Received . . . . .	votes

FOR THE OFFICE OF AUDITOR OF ACCOUNTS.

. . . . .	Received . . . . .	votes
. . . . .	Received . . . . .	votes

FOR THE OFFICE OF SENATOR IN THE GENERAL ASSEMBLY.

. . . . .	Received . . . . .	votes
. . . . .	Received . . . . .	votes

FOR THE OFFICE OF SENATOR IN THE GENERAL ASSEMBLY IN LIEU OF.

. . . . .	Received . . . . .	votes
. . . . .	Received . . . . .	votes

FOR THE OFFICE OF REPRESENTATIVES IN GENERAL ASSEMBLY.

. . . . .	Received . . . . .	votes
. . . . .	Received . . . . .	votes

FOR THE OFFICE OF PROTHONOTARY.

. . . . .	Received . . . . .	votes
. . . . .	Received . . . . .	votes

FOR THE OFFICE OF CLERK OF THE PEACE.

. . . . .	Received . . . . .	votes
. . . . .	Received . . . . .	votes

FOR THE OFFICE OF REGISTER OF WILLS.

. . . . .	Received . . . . .	votes
. . . . .	Received . . . . .	votes

FOR THE OFFICE OF RECORDER.

. . . . .	Received . . . . .	votes
. . . . .	Received . . . . .	votes



## OF THE GENERAL ELECTION.

## FOR THE OFFICE OF REGISTER IN CHANCERY.

. . . . .	Received . . . . .	votes
. . . . .	Received . . . . .	votes

## FOR THE OFFICE OF CLERK OF THE ORPHANS' COURT.

. . . . .	Received . . . . .	votes
. . . . .	Received . . . . .	votes

## FOR THE OFFICE OF LEVY COURT COMMISSIONERS.

. . . . .	Received . . . . .	votes
. . . . .	Received . . . . .	votes

## FOR THE OFFICE OF COUNTY TREASURER.

. . . . .	Received . . . . .	votes
. . . . .	Received . . . . .	votes

FOR THE OFFICE OF RECEIVER OF TAXES AND COUNTY  
TREASURER.

. . . . .	Received . . . . .	votes
. . . . .	Received . . . . .	votes

## FOR THE OFFICE OF COUNTY COMPTROLLER.

. . . . .	Received . . . . .	votes
. . . . .	Received . . . . .	votes

## FOR THE OFFICE OF SHERIFF.

. . . . .	Received . . . . .	votes
. . . . .	Received . . . . .	votes

## FOR THE OFFICE OF CORONER.

. . . . .	Received . . . . .	votes
. . . . .	Received . . . . .	votes

## FOR THE OFFICE OF ASSESSOR.

. . . . .	Received . . . . .	votes
. . . . .	Received . . . . .	votes

## FOR THE OFFICE OF INSPECTOR.

. . . . .	Received . . . . .	votes
. . . . .	Received . . . . .	votes

## FOR THE OFFICE OF ROAD COMMISSIONER.

. . . . .	Received . . . . .	votes
. . . . .	Received . . . . .	votes

## OF THE GENERAL ELECTION.

And we further certify that the Clerks appointed by us were duly sworn or affirmed according to law, and that we were duly sworn or affirmed.

In Testimony Whereof, We, the Judges of said election for said election district have hereunto set our hands the day and year aforesaid.

In the said written or printed forms of certificates before the same shall be delivered by the Sheriff as above directed, the name of the county and election district and of the representative district and the date of the year shall be inserted in the blanks for said purposes in the foregoing form; and the offices to be filled at the election shall be inserted with blanks under each to contain the names of the persons who may be voted for, with the number of votes; and the offices not to be filled at the election, shall be omitted. Filling blanks in certificates.

SECTION 7. The form of the oath or affirmation to be administered to the Inspector or other officer authorized by law to hold the election and Judges shall be as follows, viz: Oath of officers.

I . . . . ., do solemnly swear (or affirm) Form. that in the election to be this day held, I will not knowingly or wilfully, receive, or consent to the receiving of the vote of any person whom I shall believe not entitled to vote, unless my associates shall adjudge such persons to be entitled to vote, that I will not receive or reject nor concur in receiving or rejecting any vote through partiality or undue bias and that I will determine every matter that shall come before me, and perform every act and duty by law required of me touching the said election, truly, faithfully and impartially according to the best of my skill and judgment and ability; that I will cause the ballots that shall be taken at this election to be fairly read and ascertained and a true statement thereof to be made according to the best of my knowledge and ability and that if I shall discover any partiality, unfairness or corruption in the conducting of the said election, I will disclose the same to the Attorney General to the end that the subject may be investigated, so help me God (or so I solemnly affirm). There shall be three distinct forms of the foregoing oaths or affirmation written or printed on one sheet; which forms shall be numbered and distinguished as No. 1, No. 2 and No. 3. On the same sheet after the last of said forms shall be Three forms of oaths.

## OF THE GENERAL ELECTION.

**Certificate of qualification of officers.** written or printed a form for the certificate of the qualification of the Inspector or other officer authorized by law to hold the election and Judges as follows, to wit :

**Form.** . . . . . County and . . . . . Election District . . . . . Representative District, ss, We, the subscribers, Inspector (or other officers authorized by law to hold the election) and judges for said election district of the general election, therein held on the Tuesday next after the first Monday of November in the year of our Lord one thousand eight hundred and . . . . . certify that on said day, before opening the said election in said election district, the foregoing oath or affirmation was duly administered to each of us, according to law."

**Filling in blanks.** The blanks in which said certificates shall be filled by the Sheriff or by his order, before delivering the same to the Inspector or other officer authorized by law to hold the election.

**Inspector to give notice of time and place of election.** SECTION 8. The Inspector or other officer authorized by law to hold the election of each election district shall within two days after receiving from the Sheriff a list of officers to be chosen at the general election, give public notice of the time and place of holding the then next general election in his election district and of the officers to be voted for at such election, by advertisements posted in at least five of the most public places in his election district.

**In case of absence of Inspector who to hold election.** SECTION 9. If at the time for holding the general election there shall be no Inspector or other officer authorized by law to hold the election of any election district, or if he shall be absent from the place of election at half-past eight o'clock of the forenoon of the day of the election the registrar of the said election district who shall be present with his Register and Book of Registered Voters for said district, or in the event of the registrar's absence the alternate registrar of said election district who may be present with a Register and a Book of Registered Voters of said election district shall serve as the Inspector for said election district and perform all the duties required of him by such Inspector.

**Inspectors to be judges and presiding officer.** SECTION 10. The Inspector or other officer authorized by law to hold the election in any election district shall be a Judge of the general election held therein and the presiding

## OF THE GENERAL ELECTION.

officer. There shall also be two other Judges of the said election, one of whom shall be chosen by the county committee of the Democratic party and the other by the county committee of the Republican party. In making said appointments, the respective county committees shall name and certify two persons respectively, one of whom they shall designate as Judge and the other as Alternate Judge and said certification shall be presented to the Inspector or other officer authorized by law to hold the election in the respective election districts on the morning of the general election and one hour before the opening of the polls. Should either or both of those designated to be the Judge be absent, the person named for Alternate Judge shall be Judge; if from any cause both the persons named by either or both political parties should be absent a majority of the voters then present may elect such Judge or Judges in such a manner as at the time may be deemed most expedient for ascertaining the sense of the majority; the person or persons so chosen shall be of the same political party as those persons in whose place they are respectively chosen.

Judges.  
How  
chosen.

When Al-  
ternate  
Judge to  
act.

In case of  
absence of  
Judges  
who to act

Political  
complex-  
ion.

SECTION 11. If any person chosen to be a Judge of an election in any election district, shall refuse to serve he shall forfeit and pay to the State a fine of fifty dollars upon conviction thereof by indictment in the Court of General Sessions in the county where such offence is committed.

Refusal to  
serve.

Penalty.

SECTION 12. Before opening the election the Inspector or other officer authorized by law to hold the election, and Judges, shall each take an oath or affirmation according to the form prescribed in Section 7. Such oath to be administered to the Judges by the Inspector or other officer authorized by law to hold the election and by one of them to him and they shall each after taking such oath or affirmation sign one of the written or printed forms thereof delivered to the Inspector or other officer authorized by law to hold the election, by the Sheriff of the county as provided in Section 7, that is to say: The form distinguished as No. 1 shall be signed by the Inspector or other officer authorized by law to hold the election, his name being first inserted in the blank; the form No. 2 shall be signed by one of the Judges, his name being first inserted in the blank, and form No. 3 shall be signed by the other Judge, his name being first inserted in

Oath of  
Judge.

Signing  
oaths.

## OF THE GENERAL ELECTION.

the blank ; before signing the said forms, it shall be ascertained whether the Inspector or other officer authorized by law to hold the election, or either of the Judges conscientiously refuses to take an oath, and in case of such conscientious refusal the form for the person so refusing shall be made correct by effacing the words "swear or" in the beginning, and "so help me God" in the end of the form, but as to the person who shall not conscientiously refuse to take an oath, the form shall be made correct by effacing the words "or affirm" in the beginning, and the words "or so I solemnly affirm" at the end of the form. The Inspector or other officer authorized by law to hold the election and Judges shall also sign the certificate of their qualification as written or printed upon the sheet containing the aforesaid forms.

**Affirmation.**

**Signing of oath by Inspector.**

**Choosing clerks.** SECTION 13. Each of the said Judges after being duly qualified shall choose one clerk of the election, to whom the Inspector or other officer authorized by law to hold the election, or one of the Judges shall administer an oath or affirmation as follows :

**Oath.**

**Form of oath.** You do solemnly swear (or affirm) that as clerk of this election you will not use or assent to any falsehood, fraud or deceit, and that you will keep the polls and perform your duties truly, faithfully and impartially, so help you God (or so you solemnly affirm.) If in reading the votes and keeping the tally lists, it shall become necessary to appoint one or more additional clerks the Inspector or other officer authorized by law to hold the election, and Judges may do so, administering to each clerk so appointed the foregoing oath or affirmation, no other certificate need be made of the oath or affirmation administered to the clerks than that contained in the form of the certificate of election prescribed in the sixth section.

**Additional clerks.**

**Oath.**

**Examination of ballot boxes.** SECTION 14. Before opening the election the Inspector or other officer authorized by law to hold the election and Judges shall also examine the ballot box provided with a lock and key, and see that the same contains nothing. The box shall then be locked and the key delivered to one of the Judges, who shall keep the same, and the box shall be kept by the Inspector or other officer authorized by law to hold the election or the other Judge, so that the person having the key

**Locking key, to whom delivered, by whom kept.**

## OF THE GENERAL ELECTION.

shall not have possession of the box till the same shall be opened as hereinafter directed.

SECTION 15. The Inspector or other officer authorized by law to hold the election, and Judges of the election and the clerk shall during the time of the election being open be and continue in a room or place by themselves, separate from the other electors, and no person other than such Inspector or other officer authorized by law to hold the election, Judges and clerk during the time of the election being opened shall be admitted within such room or place without the unanimous consent of the Inspector or other officer authorized by law to hold the election and the Judges, and if any person shall enter such room or place without such consent such person shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five hundred nor more than one thousand dollars, or be imprisoned for a term not less than one nor more than two years, or both, at the discretion of the court.

Election officers to be in same room alone.

Others not admitted.

Others entering.

Misdemeanor, penalty.

SECTION 16. The Inspector or other officer authorized by law to hold the election, the Judges chosen as provided in Section 10 of this act and the clerk chosen as provided in Section 13 of this act, shall be the only persons who may lawfully enter the voting room or place where the election is held, except as hereinbefore provided; and if any person or persons shall enter the voting room or place where the election is held before the hour of opening the polls on the day of election or at the time of opening the election, or at any time during the day of the election and before the hour of closing the election, or attempt to enter the same for the purpose of interfering with the election officers in the discharge of their duties as such or for any purpose, or shall attempt to molest, disturb or prevent the election officers from proceeding regularly with any general or special election, or shall take charge or attempt to take charge of any voting room or place where the election is held within the time herein mentioned for the purpose of preventing or delaying an election, or for any other purpose on election day such person or persons shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five hundred nor more than one thousand dollars, and shall be imprisoned for a term not exceeding three years, *provided* that a single representative of each political party, having nominated a ticket, and such party being rep-

Who to be in election room.

Others entering.

Interference, molestation, disturbance or delay.

Penalty.

Representative of each

## OF THE GENERAL ELECTION.

party to be  
present at  
opening. resented on the ballot then printed for any general or special election, may at the opening of the election be present to aid in the proper qualification of the several election officers, but as soon as the election officers shall be qualified or ready to open the election, or the proper hour therefor having arrived such representatives of each political party shall immediately retire from the voting room or the place where the election is held.

To retire,  
when.

Hour of  
opening  
election. SECTION 17. The general election shall be opened in every election district of the State on the Tuesday next after the first Monday in the month of November in the year in which the same is held, between the hours of eight and nine o'clock in the morning, by the Inspector, or other officer authorized by law to hold the election, making proclamation that the same is open.

By whom.

Voting. SECTION 18. Each qualified elector shall deliver a single ballot which shall conform to the requirements of the law of this State as to ballots for any general or special election, containing the names of persons voted for to the Inspector or other officer authorized by law to hold the election, who shall audibly pronounce the name of the elector, which shall be entered in words at length upon a list of polls to be kept by each of the clerks whom the judges shall direct to that duty, and one of the judges shall write against it, on the alphabetical list as contained in the "Book of Registered Voters" delivered by the registrar to the Inspector or other officer authorized by law to hold the election, the word "voted." There shall be no examination of a ballot except to determine that it is single; and the Inspector or other officer authorized by law to hold the election shall, immediately after pronouncing the elector's name, put the ballot into the box in his presence, unless the vote shall be objected to.

Entry of  
names, etc.

Ballots  
not to be  
examined.

Depositing  
ballot.

What bal-  
lots not to  
be re-  
ceived. SECTION 19. The Inspector or other officer authorized by law to hold the election, shall not at any election receive or deposit in the ballot box the ballot of any person offering to vote until his name shall have been found in the list of registered voters as contained in the Book of Registered Voters delivered to him for the purposes of said election, and the Judges, or a majority of them shall be satisfied that the person so offering to vote is the person named in said list; but

OF THE GENERAL ELECTION.

no objection to the vote of any person whose name shall have been found on said list as contained in said Book of Registered Voters shall be entered or considered by the Judges of the elections except for the following reasons, to wit :

Reasons  
for objection  
to  
votes.

First. That he is not the person whose name appears in said Book of Registered Voters.

Second. That he has become disqualified as a voter since he was registered.

If a vote be objected to for any of the reasons above mentioned its admission or rejection shall be determined according to the opinion of a majority of the Judges ; and

Determination of  
objection.

Third. That no person who shall receive or accept or offer to receive or accept, or shall pay, transfer or deliver, or offer or promise to pay, transfer or deliver, or shall contribute, or offer or promise to contribute to another to be paid or used any money or other valuable thing as a compensation, inducement or reward for the registering or abstaining from registering of any one qualified to register, or for the giving or withholding or in any manner influencing the giving or withholding a vote at any general election in this State, shall vote at such election unless such person being challenged for any of said causes, shall take and subscribe to the following oath or affirmation which shall be administered by the Inspector or other officer authorized by law to hold the election.

Bribery.

I . . . . . do solemnly swear (or affirm) that I have not received or accepted, or offered to receive or accept, paid, or transferred or delivered, or offered or promised to pay, transfer or deliver, or contributed or offered or promised to contribute to another to be paid or used any money or other valuable thing as compensation, inducement or reward for the registering or abstaining from registering of any one qualified to register, or for the giving or withholding a vote at this election.

Oath.

Signed . . . . .

Sworn and subscribed to before me this . . . . . day of November, A. D. 189 . . . . .

Inspector.



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Such oath or affirmation shall be conclusive evidence to the election officers of the truth of such oath or affirmation, but if any such oath or affirmation shall be false, the person making the same shall be guilty of perjury, and no conviction thereof shall bar any prosecution under Section 8 of Article V of the Constitution of this State. In order to enable the election officers to carry into effect the provisions of this Section, the Sheriff of each county shall cause to be prepared a book containing not less than five hundred blank forms of the oath or affirmation provided for in this Section, and shall cause one of said books to be delivered to the Inspector or other officer authorized by law to hold the election in each of the election districts of his county at the time provided in Section 3 of this act. Such oath or affirmation when signed and attested as herein provided, shall be competent evidence in any proceeding against the party making the same.

Oaths to be  
conclusive  
evidence.

Book of  
oaths.

Delivery  
of.

Oath to be  
evidence.

Closing  
election.

SECTION 20. The election shall be continued open until six o'clock in the afternoon when it shall be closed. The Inspector or other officer authorized by law to hold the election, shall one-half hour before closing the election make proclamation that the same will be closed in that time.

Counting  
of votes.

SECTION 21. When the election shall be closed the Inspector or other officer authorized by law to hold the election, and Judges, shall openly and publicly unlock the box containing the ballots, and shall remove the lid so far as that the ballots can be taken separately from the box, one of the Judges shall keep in his custody the said box, while another shall publicly, in the presence of the other Judges and such of the electors as shall think proper to be present, take the ballots one by one from the box and read the same. When a ballot shall be read, it shall be put into the other box delivered by the Sheriff to the Inspector or other officer authorized by law to hold the election, as provided in the third Section, it being first seen that the said box contains nothing, and the same being kept during the reading in the possession of one of the Judges; and two clerks at least shall keep accurate count of the ballots as they are read, which shall be done on such tally lists as aforesaid, by writing the name of every person voted for in the margin under a designation of the office for which the vote is given to him, and making a distinct dot with a pen in the squares in the row against such name for every vote

Account,  
how kept.

OF THE GENERAL ELECTION.

such person shall receive for the same office, and each square when full shall contain five rows of dots, each row consisting of five dots and each clerk shall upon reading of the name repeat it with the number of the dots in the row pronouncing at the last dot in the square "tally full," and at the first dot of the succeeding square "one of a new," if the same person shall be voted for for different offices, his name shall be written in the margin for each office, and a just count kept of the votes given to him for each office. The reading and counting of the votes shall be continued, without interruption or adjournment until completed.

Counting not to be interrupted.

SECTION 22. When the reading and counting of the votes is completed the Inspector or other officer authorized by law to hold the election and Judges shall forthwith make and sign three certificates of the election in their election district according to the form prescribed in Section 6 stating every office for persons to fill which votes shall have been given at said election, the name of every person to whom any vote shall have been given for such office and the number, in words at length, of votes given to such person for the said office. The said certificates shall be put in separate envelopes, which shall be furnished by the Sheriff, and said envelopes shall be endorsed on the face thereof with the words "Certificates of the votes cast in . . . election district of . . . Representative district at the general election in . . . county, A. D. . . .," and on the back of each envelope after the same shall have been sealed the Inspector or other officer authorized by law to hold the election and Judges shall respectively write their names crosswise the sealing.

Certificates, of result, signing.

Form.

Certificates to be placed in envelopes.

Entry on envelopes.

Election officers to write their names on the sealing.

The tally lists shall be signed by the Inspector or other officer authorized by law to hold the election, Judges and clerks, and deposited with one of said envelopes containing a certificate in the box into which the ballots shall have been put when read and the lid of said box shall be secured by tape crossed and sealed with sealing wax by one of the Judges not being the Inspector or other officer authorized by law to hold the election, one of the said envelopes containing a certificate and the ballot boxes shall be kept by the Inspector or other officer authorized by law to hold the election, the other and remaining envelope containing a certificate shall be kept by one of the Judges not being of the same political party as the

Signing of tally lists.

Deposit.

Securing and sealing lid of box.

Custody of certificates.

## OF THE GENERAL ELECTION.

Inspector or other officer authorized by law to hold the election.

Delivery  
of certifi-  
cates and  
ballot box.

To whom  
delivered.

Delivery  
to Court.

Duty of  
Court.

Canvass of  
election.

Of whom  
Court to  
consist.

Court to be  
Board of  
Canvass.

Powers of  
Court.

Opening  
ballot  
boxes.

SECTION 23. The presiding election officer of each election district in the respective counties of this State, on the day next after the general election, shall deliver one of the envelopes containing a certificate of the election, made and certified as hereinbefore required, together with the ballot box or ballot boxes containing the ballots and other papers required by law to be placed therein to the Prothonotary of the Superior Court of the county, who shall at twelve o'clock noon on the second day after the election present the same to the said court, and the election officer having charge of any other certificate of the election shall at the same time present the same to the said court, and the said court shall at the same time convene for the performance of the duties hereby imposed upon it; and thereupon the said court with the aid of such of its officers and such sworn assistants as it shall appoint shall publicly ascertain the state of the election throughout the county and in the respective hundreds and election districts, by calculating the aggregate amount of all the votes for each office that shall have been given in all the hundreds and election districts of the county for every person voted for for such office.

For the purposes of this Section the Superior Court shall consist in New Castle county of the Chief Justice and the Resident Associate Judge; in Kent county of the Chancellor and the Resident Associate Judge; and in Sussex county of the Resident Associate Judge and the remaining Associate Judge, who shall for the purposes of this act be a Board of Canvass for the respective counties of this State; in case the certificates of election of any election district in the county shall not be produced or in case the certificates produced do not agree or in case of complaint under oath of fraud or mistake in any such certificates or in case of fraud or mistake is apparent on the face of any such certificate the court shall have power to issue summary process against the election officers of such election district or any other persons to bring them forthwith into court with the election papers in their possession or under their control, and to open the ballot boxes and take therefrom any paper contained therein, and to make a recount of the ballots contained therein, and to correct any

OF THE GENERAL ELECTION.

fraud or mistake in any certificate or paper relating to such election.

SECTION 24. If the presiding election officer of any election district after the election shall die or be prevented by sickness or accident from delivering the certificate of election, together with the ballot box or ballot boxes containing the ballots and other papers required by law to be placed therein to the Prothonotary of the Superior Court of the county, as required in the preceding section, the said certificate of election and ballot boxes for his election district shall be sent by safe and secure conveyance (for the safety of which the presiding election officer or his executors or administrators or heirs shall be responsible) to the Prothonotary on the day next succeeding the day of the general election.

Death, sickness or accident, of presiding election officer.

Sending certificates, etc.

SECTION 25. After the state of the election shall have been ascertained by calculating the votes as aforesaid the said Superior Court shall make under the seal of said court the following certificates, to wit :

Certificates of result.

Three certificates of the election of electors of President and Vice President of the United States, certifying in words at length, the number of votes given for every person voted for, for that office.

Four certificates of the election of Governor, certifying in words at length, the number of votes given for every person voted for, for that office.

Four certificates of the election of Lieutenant Governor, certifying in words at length, the number of votes given for every person voted for, for that office.

Two certificates of the election of a representative or representatives, as the case may be, of this State in the House of Representatives of the United States in Congress, certifying in words at length, the number of votes given for every person voted for, for that office.

Four certificates of the election of Attorney General, certifying in words at length, the number of votes given for every person voted for, for that office.

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Four certificates of the election of Insurance Commissioner, certifying in words at length, the number of votes given for every person voted for, for that office.

Four certificates of the election of State Treasurer, certifying in words at length, the number of votes given for every person voted for, for that office.

Four certificates of the election of Auditor of Accounts, certifying in words at length, the number of votes given for every person voted for, for that office.

Two certificates of the election of a Senator for . . . .  
. . . . Senatorial District of the county in the General Assembly.

Two certificates of the election of a Representative for . . . .  
. . . . Representative District of the county in the General Assembly.

Two certificates of the election of Prothonotary.

Two certificates of the election of Clerk of the Peace.

Two certificates of the election of Register of Wills.

Two certificates of the election of Recorder.

Two certificates of the election of Register in Chancery.

Two certificates of the election of Clerk of the Orphans' Court.

One certificate of the election of the Levy Court Commissioners for . . . .  
. . . . Levy Court District (New Castle county).

One certificate of the election of Levy Court Commissioner for . . . .  
. . . . Representative District (Kent county).

One certificate of the election of Levy Court Commissioners or of such of said officers as shall have been voted for at the said election.

One certificate of the election of County Treasurer.

One certificate of the election of Receiver of Taxes and County Treasurer.

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One certificate of the election of County Comptroller.

Two certificates of the election of Sheriff.

Two certificates of the election of Coroner.

One certificate of the election of Assessor for . . . . .  
Assessment District or hundred (in New Castle county).

One certificate of the election of Assessor for . . . . .  
. . . . . Representative District (in Kent county).

One certificate of the election of Assessor for . . . . .  
. . . . . hundred (in Sussex county).

One certificate of the election of Inspector for . . . . .  
. . . . . Election District of . . . . . Representative  
District.

One certificate of the election of Road Commissioners for  
. . . . . hundred (New Castle county).

The said Superior Court shall enclose and seal up each of said certificates separately in an envelope, with an endorsement thereon describing the certificates enclosed. Upon the paper enclosing the certificates of the election of Senator or Representative in the General Assembly, the name of the person chosen shall be endorsed. The said Court shall deliver the ballot boxes to the Sheriff of the county, to be by him kept and delivered as required by law.

Sealing  
certifi-  
cates.  
Endorse-  
ment.  
Delivery  
of ballot  
boxes to  
Sheriff.

SECTION 26. The aforesaid certificates may be according to the following form, to wit:

Form of  
certificate.

THE STATE OF DELAWARE, . . . . . COUNTY, SS.

Be it remembered, that at the general election held on the Tuesday next after the first Monday in November, in the year of our Lord one thousand . . . . . hundred and . . . . . for . . . . . County, according to the Constitution and laws of the State of Delaware (here insert, to wit: If the certificate be of an election of electors of President and Vice-President, of Governor, of Lieutenant Governor, of Representative in Congress, of Attorney General, of Insurance Commissioner, of State Treasurer, or of Auditor of Accounts, the number in words at length of votes given for each person voted for, for said respective offices; if the certificate be of an elec-

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tion of Senator or Representative in the General Assembly, or, of Prothonotary, of Clerk of the Peace, of Register of Wills, of Recorder, of Register in Chancery, of Clerk of the Orphans' Court, of Levy Court Commissioner or Commissioners, of County Treasurer, of Receiver of Taxes and County Treasurer, of County Comptroller, of Sheriff, of Coroner, of Assessor, of Inspector, or of Road Commissioner, the names of the persons elected,) which is manifest by calculating and ascertaining the aggregate amount of all the votes given for each person voted for in all the hundreds and election districts of the county, according to the provisions made by law in this behalf.

In testimony whereof, We, . . . . . and . . . . . constituting the Superior Court for . . . . . County, who have met and ascertained the state of the election throughout the said county, as the law requires, have hereunto set our hands and caused the seal of the said Superior Court to be hereunto affixed at the Court House in said county, on this . . . . . day of November, A. D. . . . .

Manner of  
filling up  
certificate.

And the manner of making the insertion aforesaid may be as follows, to wit :

## IN CASE OF ELECTORS OF PRESIDENT AND VICE PRESIDENT.

. . . . . votes were given for . . . . . for Elector  
. . . . . votes were given for . . . . . for Elector

and so on, naming each person voted for.

## IN CASE OF GOVERNOR.

. . . . . votes were given for . . . . . for Governor  
. . . . . votes were given for . . . . . for Governor  
and so on, naming each person voted for.

## IN CASE OF LIEUTENANT GOVERNOR.

. . . votes were given for . . . for Lieutenant Governor  
. . . votes were given for . . . for Lieutenant Governor  
and so on, naming each person voted for.

## IN CASE OF REPRESENTATIVE TO CONGRESS.

. . . votes were given for . . . for Representative to Congress  
. . . votes were given for . . . for Representative to Congress  
and so on, naming each person voted for.

OF THE GENERAL ELECTION.

IN CASE OF ATTORNEY GENERAL.

. . . votes were given for . . . . . for Attorney General  
 . . . votes were given for . . . . . for Attorney General  
 and so on, naming each person voted for.

IN CASE OF INSURANCE COMMISSIONER.

. . . votes were given for . . . for Insurance Commissioner  
 . . . votes were given for . . . for Insurance Commissioner  
 and so on, naming each person voted for.

IN CASE OF STATE TREASURER.

. . . votes were given for . . . . . for State Treasurer  
 . . . votes were given for . . . . . for State Treasurer  
 and so on, naming each person voted for.

IN CASE OF AUDITOR OF ACCOUNTS.

. . . votes were given for . . . for Auditor of Accounts  
 . . . votes were given for . . . for Auditor of Accounts  
 and so on, naming each person voted for.

IN CASE OF SENATORS TO THE GENERAL ASSEMBLY.

. . . . . was duly elected Senator for the . . . . .  
 . . . . . Senatorial District for said county in the General  
 Assembly; and so on, giving certificates for each Senator  
 elected in the respective Senatorial Districts of the county;  
 and . . . . . was duly elected Senator for  
 the . . . . . Senatorial District for said county in lieu  
 of . . . . . late Senator for said Sena-  
 torial District for said county, in the General Assembly; and  
 so on giving certificates for each Senator elected in lieu of any  
 other Senator for any Senatorial District for said county in  
 the General Assembly.

IN CASE OF REPRESENTATIVES TO THE GENERAL ASSEMBLY.

. . . . . was duly elected Representative for the  
 . . . . . Representative District for said county in  
 the General Assembly; and so on giving certificates for each  
 Representative elected in the respective Representative Dis-  
 tricts of the county.



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## IN CASE OF PROTHONOTARY.

. . . . . was duly elected Prothonotary for . . . . .  
County.

## IN CASE OF CLERK OF THE PEACE.

. . . . . was duly elected Clerk of the Peace for . . . .  
County.

## IN CASE OF REGISTER OF WILLS.

. . . . . was duly elected Register of Wills for . . . .  
County.

## IN CASE OF RECORDER.

. . . . . was duly elected Recorder for . . . . .  
County.

## IN CASE OF REGISTER IN CHANCERY.

. . . . . was duly elected Register in Chancery for . .  
. . . . . county.

## IN CASE OF CLERK OF THE ORPHANS' COURT.

. . . . . was duly elected Clerk of the Orphans' Court  
for . . . . . county.

IN CASE OF LEVY COURT COMMISSIONERS FOR NEW CASTLE  
COUNTY.

. . . . . was duly elected Levy Court Commissioner for  
. . . . . District in said county; and so on, giving a  
certificate for each Levy Court Commissioner elected in each  
district in said county.

## IN CASE OF LEVY COURT COMMISSIONERS FOR KENT COUNTY.

. . . . . was duly elected Levy Court Commissioner for  
. . . . . Representative District in said county; and so  
on, giving a certificate for each Levy Court Commissioner  
elected in each Representative District in said county.

## IN CASE OF LEVY COURT COMMISSIONERS FOR SUSSEX COUNTY.

. . . . . was duly elected Levy Court Commissioner for  
. . . . . hundred in said county, and so on for each  
Levy Court Commissioner elected for any hundred in the  
county.

OF THE GENERAL ELECTION.

IN CASE OF COUNTY TREASURER (IN KENT AND SUSSEX COUNTY).

. . . . . was duly elected County Treasurer for . . .  
. . . . . county

IN CASE OF RECEIVER OF TAXES AND COUNTY TREASURER  
(IN NEW CASTLE COUNTY).

. . . . . was duly elected Receiver of Taxes and County  
Treasurer for said county.

IN CASE OF COUNTY COMPTROLLER (IN NEW CASTLE COUNTY).

. . . . . was duly elected County Comptroller for New  
Castle county.

IN CASE OF SHERIFF.

. . . . . was duly elected Sheriff for . . . county.

IN CASE OF CORONER.

. . . . . was duly elected Coroner for . . .  
county.

IN CASE OF ASSESSOR IN THE CITY OF WILMINGTON.

. . . . . was duly elected Assessor for . . . . . As-  
sessment District of the City of Wilmington, and so on, giving  
certificates for each Assessor elected in the respective assess-  
ment districts in the City of Wilmington.

IN CASE OF ASSESSOR IN NEW CASTLE COUNTY OUTSIDE THE  
CITY OF WILMINGTON.

. . . . . was duly elected Assessor for . . . . .  
. . . . . hundred in said county and so on, giving cer-  
tificates for each Assessor elected in the respective hundreds  
of said county.

IN CASE OF ASSESSOR IN KENT COUNTY.

. . . . . was duly elected Assessor for . . . . .  
Representative District in said county, and so on, giving cer-  
tificates for each Assessor elected in the respective Represen-  
tative Districts in said county.

## OF THE GENERAL ELECTION.

## IN CASE OF ASSESSOR IN SUSSEX COUNTY.

. . . . . was duly elected Assessor for . . . . .  
Hundred in said county, and so on, giving certificates for each  
Assessor elected in the respective Hundreds of said county.

## IN CASE OF INSPECTOR OUTSIDE OF THE CITY OF WILMINGTON.

. . . . . was duly elected Inspector for . . . . .  
Election District of . . . . . Representative Districts  
for . . . . . County, and so on, giving certificates for  
each Inspector elected in each election district in each Rep-  
resentative District for the respective counties.

## IN CASE OF ROAD COMMISSIONERS FOR NEW CASTLE COUNTY.

. . . . . was duly elected Road Commissioner for  
. . . . . Hundred of said county, and so on, giving  
certificates for each Road Commissioner elected in said county.

**Tie votes.** SECTION 27. If, by reason of an equal number of votes having been cast for two or more persons for the office of Senator or Representative in the General Assembly, Prothonotary, Clerk of the Peace, Register of Wills, Recorder, Register in Chancery, Clerk of the Orphans' Court, Levy Court Commissioner, County Treasurer, Receiver of Taxes and County Treasurer, County Comptroller, Sheriff, Coroner, Assessor, Inspector, or Road Commissioner (for New Castle county,) it shall appear to the said court that a vacancy will occur in said office, a certificate of such fact shall thereupon be made under the hands of the said Superior Court, and under the seal of said court, which certificate shall be transmitted by the said court to the Governor, and the aforesaid certificate of election shall be delivered as hereinafter is provided.

Certificate  
of tie to be  
delivered  
to Gover-  
nor.

**Delivery of certificates of election by Court.** SECTION 28. The said Superior Court shall, within three days after making the certificates of the election for electors of President and Vice-President, either personally, or by a person deputed by it for that purpose, transmit, deliver and lodge the said certificates of the election for electors of President and Vice-President, as follows, to wit:

One to the Governor, another to the Secretary of State, and the other to the Prothonotary of the county; and shall transmit, deliver and lodge the said certificate of the election for Governor, according to the directions of the Constitution in that

## OF THE GENERAL ELECTION.

behalf, and shall transmit, deliver and lodge one of the said certificates of the election for Lieutenant Governor to the President of the Senate, or in case of a vacancy in the office of President of the Senate, or his absence from the State, to the Secretary of State, who shall keep the same until a President of the Senate shall be chosen, to whom they shall be immediately transmitted after his election, who shall open and publish the same in the presence of the members of both Houses of the General Assembly. Duplicates of the said returns shall also be immediately lodged with the Prothonotary of each county, and shall transmit, deliver and lodge one of each of said certificates of the election for Representative, or Representatives, in the House of Representatives of the United States to the Governor, and lodge the other of the said certificates in the office of the Clerk of the Peace of the county; and shall transmit, deliver and lodge one of the certificates of the election for Attorney General, for Insurance Commissioner, for State Treasurer and for Auditor of Accounts to the Governor and the other of said certificates in the office of the Prothonotary of the county; and shall transmit and deliver one of said certificates of the election of Senator and one of said certificates of the election of Representative in the General Assembly, in the office of the Prothonotary for Kent county, and further shall deliver, on the first day of the meeting of the General Assembly after the election the other certificate of the election of Senator to the Senate, and the other certificate of the election of Representative to the House of Representatives; and shall transmit and deliver one of said certificates of the election of Prothonotary, of Clerk of the Peace, of Register of Wills, of Recorder, of Register in Chancery, of Clerk of the Orphans' Court, of Sheriff and of Coroner, to the Governor and the other of said certificates to the Clerk of the Peace of the county, except the one for Clerk of the Peace, which shall be delivered to the Prothonotary; and shall transmit and deliver the certificate of the election of each Levy Court Commissioner, in New Castle and Kent counties, and the certificate of the election of Levy Court Commissioners in Sussex county to the Clerk of the Peace of the respective counties; and shall transmit and deliver the certificate of election of the County Treasurer, of Receiver of Taxes and County Treasurer (in New Castle county) and of Comptroller (in New Castle county), to the Clerk of the Peace of the county; and

## OF THE GENERAL ELECTION.

shall transmit and deliver one of the certificates of the election of Assessor, of Inspector and of Road Commissioner (in New Castle county) to the Clerk of the Peace of the county, to be laid before the Levy Court, and one for each of said officers to the Sheriff of the county to be by him delivered to the respective parties certified to have been elected. The Prothonotary of Kent county shall, on any day of the meeting of the General Assembly, deliver, if required, the certificates of election of Senators or of Representatives to the order of the House to which it belongs, or to the person named in the endorsement thereon.

Prothonotary to deliver certain certificates to General Assembly.

SECTION 29. Each Inspector or other officer authorized by law to hold the election, shall, on the day next after the general election, deliver into the office of the Clerk of the Peace of his county, the oaths or affirmations that shall have been signed by the Inspector or other officer authorized by law to hold the election, and Judges of the election in his election district, and the certificate of said oaths or affirmations being administered, to be made and signed as directed in the twelfth Section of this Act, and the two lists of the polls kept at the election as before directed, and the Register and the Book of Registered Voters, certified to by the registration officers, with the notes of "voted," as the same shall have been made in said last mentioned book on the day of the election; all of which shall be filed in the office of the said clerk, and shall be public records, and as such, admissible as evidence.

Inspectors to deliver oaths, etc., to Clerk of the Peace.

SECTION 30. The Sheriff shall preserve the ballot boxes containing the ballots, and other papers required by law to be placed therein, safely, and secured in the manner in which the same shall have been delivered to him, until the last day of February next after the election. If the term of office of the said Sheriff shall expire prior to the said last day of February, he shall deliver within two days after the expiration of his term, the said ballot boxes, containing the ballots and other papers required by law to be placed therein, preserved in the same manner in which they were when delivered to him, to his successor in office, who shall safely and securely keep the same in the manner in which the same shall have been delivered to him, until the said last day of February next after the election.

Sheriff to preserve ballot boxes, etc.

Expiration of term of office of Sheriff.

## OF THE GENERAL ELECTION.

SECTION 31. The Senate shall have power to compel a delivery to that body of the ballot boxes aforesaid, and for that purpose to order and cause to be arrested and brought before them any Sheriff having the custody of the said ballot boxes, and to adjudge him guilty of a contempt for neglect or refusal to deliver any such ballot boxes and to proceed against him accordingly, and the House of Representatives shall have power to compel the delivery of said ballot boxes in like manner and by like proceedings.

Power of Senate to counsel delivery of ballot boxes.

Refusal of Sheriff.

House of Representatives to have like power.

SECTION 32. The Governor, after receiving the certificates of the state of the votes of the respective counties of the State, under the seal of the Superior Court, for the office of Attorney General, Insurance Commissioner, State Treasurer and Auditor of Accounts, or any of whom as shall have been voted for at the preceding general election, shall, without delay, examine the returns and declare the person or persons elected, and shall issue certificates of such election under his hand, and the same, together with the returns, shall be filed in the office of the Secretary of State, and the Governor shall by proclamation make public the state of the vote by causing the same to be published in one or more of the public newspapers of the respective counties of this State, and shall issue commissions to the persons elected, as required by the Constitution in that behalf.

Duty of Governor to examine returns.

Certificate of election Filing.

Proclamation by Governor of State by vote.

SECTION 33. That all acts or parts of acts supplied by this act or inconsistent with the provisions thereof are hereby repealed and made null and void.

*Approved June 1, A. D. 1898.*

## OF THE GENERAL ELECTION.

## CHAPTER 39.

## OF THE GENERAL ELECTION.

AN ACT to enable the Qualified Voters in the Military or Naval service of this State or of the United States to exercise the Rights of Suffrage.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

Voters  
engaged in  
military  
or naval  
service of  
U. S.

SECTION 1. That whenever any of the qualified voters of this State shall be engaged in the military or naval service of this State or of the United States, and as such absent from the hundred, election district or ward of their residence on the days appointed by law for holding county, State, Congressional or Presidential elections within this State, or on the days appointed in writs of election issued by the presiding officer of either House of the General Assembly or the Governor for holding special elections to fill vacancies, such qualified voters shall be entitled at such time to exercise the right of suffrage as fully as if they were present at their usual places of election, notwithstanding any provisions to the contrary in any act or acts now in force.

Right to  
vote.

Poll for  
receiving  
votes.

SECTION 2. A poll shall be opened in each company at the quarters of the captain or other commanding officer thereof, and all electors belonging to such company who shall be within two miles of such quarters on the day of the election, shall vote at such poll, and at no other place; officers other than those of a company, and other voters detached and absent from their companies on duties which will not permit them to return to their companies, may vote at such of the said polls as may be most convenient to him.

Hours of  
voting.

SECTION 3. The polls shall be open at ten o'clock in the morning and close at five o'clock in the afternoon.

Election  
and ap-  
pointment  
of election  
officers.

SECTION 4. At ten o'clock in the morning on the day of election the voters present at each of the polling places aforesaid, shall elect *vis a voce* three persons present at the time, and having the qualifications of electors in this State for the Judges of said election; and the Judges so elected shall then

## OF THE GENERAL ELECTION.

appoint two of the remaining qualified electors present to act as clerks of said election.

SECTION 5. Before any votes shall be received said Judges and clerks shall each make the oath or affirmation required by the election laws of this State to be taken by persons serving in the capacity of election officers, which oath or affirmation any of the clerks or Judges herein provided for may administer to each other, and said oath or affirmation shall be in writing signed by said Judges and clerks taking the same and shall be returned to the proper officer of this State with the ballots and other papers of the election returns.

SECTION 6. All elections shall be by ballot and the Judges of election may, and upon challenge of any voter shall examine under oath such voter (which oath any of the Judges may administer) in respect to his right and his qualifications to vote in the particular hundred, election district of this State in which he claims residence.

SECTION 7. At each polling place three poll lists shall be kept, one for each county in this State, and plainly labelled as such at the top of the list. The two clerks shall keep duplicate lists, when a vote is deposited in the ballot box, the name of the first voter shall be entered on the list of the county in which he claims his residence, and in front of such name shall be placed number one and the second person whose vote is taken as of that county, shall have his name so entered and numbered two; and so on the poll lists for each county shall be kept. And in addition thereto the name of the hundred or election district in which the voter claims his residence, and the name and number of the company and regiment to which he belongs shall be entered opposite his name.

As soon as the ballot of the voter has been deposited in the ballot box, the clerks shall check his name off the list of voters.

SECTION 8. The Judge to whom the voter shall give his ballot, shall pronounce the name of the voter in a clear and distinct voice and if the clerks shall find his name on the authorized list of registered voters, and no objection shall be made to his voting, the Judge shall deposit his ticket in the ballot box. If any objection is raised to the right of the



## OF THE GENERAL ELECTION.

party to vote, the Judge shall determine the matter by the same authority but under the same restrictions as other Judges of election sitting in the State.

**Counting of votes.** **SECTION 9.** At the close of the polls the poll lists of each county shall be counted and the number of names of voters thereon written in words at the foot of the lists, and the lists shall be signed by the Judges and clerks under oath or affirmation declaring them to be true and correct lists of those from whom they have accepted ballots, and any blank spaces on such lists between the names of the voters and the election officers shall be checked through in ink.

**Separation of ballots.** **SECTION 10.** After the poll lists are signed the ballot boxes shall be opened, the ballots taken out one at a time, and merely separated into three lots according to the county into which they are to be counted. A count shall be kept of the number of ballots for each county (without making any count of the candidates voted for). The ballots when so separated and counted shall be placed in heavy envelopes, specially prepared for the purpose. The Judges shall then certify under oath or affirmation as to the number of votes returned by them for the respective counties of the State, this certificate together with the lists of those who voted, as kept by the clerks, shall be placed in such envelopes. The envelopes shall be marked plainly in the name of the Prothonotary of the proper county; it shall be sealed and held by them jointly until collected by the persons assigned by the Governor of this State, as Election Messenger, to go upon the field and collect these returns which shall be deposited by them in a lock pouch, which shall be locked with two locks having different keys and one key shall be kept in the possession of a representative of one political party and the other key shall be kept in the possession of a representative of another political party. These persons so designated by the Governor to collect these election returns, shall have three pouches, in one shall be placed the returns for each county. As soon as they have gathered the election returns they shall lock the pouches and shall take them jointly with the greatest speed to the Prothonotary of the county to which they belong; notifying the Prothonotary in advance upon what train to expect the returns if they are to be brought in by train.

**Count.**

**Envelopes**

**Certificate**

**Securing ballots in envelopes.**

**Collection of.**

**Locked Pouch.**

**Collection and conveying of returns.**

## OF THE GENERAL ELECTION.

SECTION 11. The Prothonotary of the county receiving the returns shall keep them as other election returns of the State received by him, and shall deliver them to be counted by the Board of Canvass which shall open the ballots and count them as other election returns made from voting precincts within the State.

*Delivery to Board of Canvass*

SECTION 12. The Governor shall at a suitable time in advance of the election designate two persons who shall be members of different political parties, whose duties it shall be to visit any encampment contemplated in this act, (and where there is more than one such encampment, the Governor shall designate two such persons for each encampment,) whose duty it shall be to take ballots to such encampments to be delivered at each voting place, together with copies of the registration lists of the counties of this State, and other forms, blank forms, papers of information and paraphernalia necessary to be had at a place of election. The parties so appointed shall at the close of the polls collect under seal the votes, certificates and poll lists so designated above and return them to this State as above designated.

*Appointment of persons to visit camps with ballots, etc.*

*To collect votes.*

SECTION 13. The ballots used at the polls herein provided for shall be the style of ballot used in this State just prior to the adoption of the Australian ballot system. They shall be uniform as to size and color of paper. Printed lists of all the officers nominated by the different political parties throughout the State shall be furnished to be posted at each polling place for the convenience of the voters.

*Style of ballot used*

*List of nominees.*

SECTION 14. The registration officers of this State shall keep during the registration of voters, separate lists of all those whose names that have been registered by them as returned for registering by the Auxiliary Registrar provided under the laws of this State, for the registering of citizens in the military or naval service of this State, or of the United States. Copies of such lists shall be furnished the Clerk of the Peace of the county and he shall have a composite list of all such names made and furnished to the election officers at the polls provided for in this act. He shall also furnish them complete lists of the registrations of the county in order that the name of any soldier may be found who enlisted since having registered as a voter.

*Registration officers to keep separate list of names returned by Auxiliary Registrar.*

*Clerk of Peace to furnish copies, etc.*

## OF THE GENERAL ELECTION.

**Election messenger** SECTION 15. The persons to be appointed by the Governor or in Section 12 of this act, shall be commissioned by him as election messenger and shall take their commission with them as evidences of authority when their authority is questioned.

**Oath, etc.** They shall be sworn and shall qualify as other election officers.

**Violation of election laws.** SECTION 16. If any person shall at the elections herein provided for violate the election laws of this State by voting or attempting to vote more than once at any election, falsifying the count or returns in any manner, they shall upon conviction be disfranchised for a period of ten years from the date of such conviction.

**Penalty.**

**Compensation of messenger** SECTION 17. The election messenger herein provided for shall be paid a per diem equivalent to that paid to a judge of election and shall be allowed and paid by the State Treasurer such sum for traveling expenses allowed them and approved by the State Auditor upon vouchers of necessary expenditures submitted by them.

**Double ballots.** SECTION 18. When two or more ballots are found folded or rolled together they shall be adjudged fraudulent and not returned. The election officers shall note, in their returns, the number of rolls of folds of ballots so thrown out as fraudulent, in order to account for any discrepancy between the number of voters reported by them and the number of ballots returned by them.

SECTION 19. All acts or part of acts inconsistent with this act are hereby repealed.

*Approved June 25, A. D. 1898.*

## OF THE GENERAL ELECTION.

## CHAPTER 40.

## OF ELECTIONS IN WILMINGTON HUNDRED.

**AN ACT** creating a Department of Elections for the City of Wilmington.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

**SECTION 1.** That for the objects and purposes hereinafter set forth the Governor of the State of Delaware shall in the manner and at the times and for the terms set forth in Section 2 of this act appoint three persons of the City of Wilmington, who shall constitute a department of Elections for the said City of Wilmington, and with the powers and duties prescribed in the sections following.

Appoint-  
ment of  
depart-  
ment of  
elections  
of city of  
Wilmington.

**SECTION 2.** That the terms of office of the present members of the Department of Elections for the City of Wilmington, as the same was constituted pursuant to the provisions of Chapter 39, Volume XIX, Laws of Delaware, shall not be vacated, but the said officers shall continue during the original term thereof, and said members shall during the continuance of their respective terms be members of the Department of Elections for the City of Wilmington created by this act. At the expiration of the term of office of the said member which shall be the first to terminate and biennially thereafter the place of the retiring member shall be filled by appointment by the Governor for the term of six years. No person shall be eligible to appointment as a member of said Department of Elections who is not a citizen of the United States of America and a resident in the said city for which he is appointed, and who has not resided therein for a term of five years next preceding his appointment. No member of said Department of Elections shall hold or be a candidate for any elective office during his membership in said department, nor until the expiration of six months after he shall have ceased to be a member of said department. When any vacancy occurs in said department by or from any cause whatsoever the Governor aforesaid shall fill the unexpired term by appointment, but at no time shall all the members of

Offices of  
present  
members  
of depart-  
ment con-  
tinued.

Appoint-  
ment of  
successors

Qualifica-  
tions of  
appointee.

Members  
not to  
hold other  
office.

Vacancies  
how filled.

## OF THE GENERAL ELECTION.

Political complex-  
ion. said department be of the same political faith and opinion. Each of said members shall hereafter before entering upon his duties and within one month from the time of his appointment take and subscribe and file in the office of the Clerk of the Peace of the county wherein he resides an oath or affirmation that he will perform the duties of his office with fidelity and impartiality. The members of the Department of Elections shall meet and organize said Department of Elections, by this act constituted, by selecting one of their number to be President, whose term of office shall continue for one year from date of such organization, when and biennially thereafter the said Department of Elections shall select one of their number to be President. Each member of the Department of Elections shall receive as compensation for his services in any year in which there is held a general or special election a salary of five hundred dollars, said compensation to be paid as hereinafter provided.

Oath.

Organiza-  
tion.

Officers.

Compen-  
sation.

Duties of  
depart-  
ment. SECTION 3. The duties of the members of the Department of Elections, shall be as follows :

Division  
of city  
into elec-  
tion dists. I. They shall, on or before the first day of June next, preceding the time of the first registration held under the provisions of this act, and in every sixth year thereafter, on or before the first day of June, divide the city into as many election districts as they shall deem necessary, and shall establish the boundaries thereof. *Provided*, that each election district shall contain as near as may be, not more than three hundred, nor less than one hundred qualified voters. And further, *provided*, that each of said election districts shall be entirely within the boundaries of one representative district. And on or before the first day of June, A. D. nineteen hundred, and biennially thereafter, said Department of Elections may divide such of the election districts, and such only as, by the election last preceding such division, shall be found to contain a greater number of voters than can conveniently vote therein. They shall also designate each of said election districts by appropriate titles or distinctions.

Number  
of voters  
in district.

Dists. to  
be within  
one repre-  
sentative  
district.

Subse-  
quent di-  
visions.

Designa-  
tions.

Dismissal  
of Regis-  
trars. II. They shall have power to dismiss any Registrar at any time and supply his place with another person. They may also employ a clerk, counsel and such other assistants as, in the judgment of the members of said Department of

Employees.

## OF THE GENERAL ELECTION.

Elections, shall be necessary and proper for the faithful performance by it of the duties by this act imposed; *provided*, the expense thereof shall not exceed fifteen hundred dollars in any one year in which the general election is held, which said sum shall not include the compensation of members of the Department of Elections and Registrars, to be paid upon warrants of the President of the Department of Elections, in the same manner as is provided for the payment of the legal compensation of members of said Department of Elections.

Limit of  
expense.

How paid.

III. They shall, hereafter, appoint all registrars in the city of Wilmington, and shall make all necessary removals of registration officers, and fill all vacancies which from any cause occur.

Appoint-  
ment of  
Registrars  
Removal.  
Vacancies

IV. They shall in the month of June, in each year in which a general election is held, appoint for each election district in the City of Wilmington three capable persons, who shall be voters and residents in the election district, for which they shall be appointed, who shall be the registration officers of the election district for which they are appointed; one of whom shall be designated as "Registrar," and the other two "Assistant Registrars," and not more than two of them shall be of the same political faith; *provided*, that the total number of registration officers in each representative district, shall be divided as equally as possible between the two leading political parties, as the same shall be determined upon by the Department of Elections at the time of making the appointments. And further, for each appointment accredited to any political party under this section the city executive committee of such political party shall furnish the Department of Elections on or before the first day of June of the year in which said appointment is to be made, a list of three names of properly qualified persons, from which list the Department of Elections shall make its appointments.

Appoint-  
ment of  
Registration  
officers.  
Qualifica-  
tions.

Politics.

Division  
between  
parties.Furnish-  
ing of lists  
for officers  
Time.

*Provided, however*, that if the said lists of names are not furnished as aforesaid, then and in that event the Department of Elections shall appoint some suitable person, or persons, of such political party having all the qualifications provided by this section.

When list  
not fur-  
nished.  
Depart-  
ment to  
select.

*Provided, however*, that in the case of the Registration officers to be appointed in this present year, eighteen hundred

Proviso  
for Regis-  
tration

## OF THE GENERAL ELECTION.

officers for 1898. and ninety-eight, the appointment of the said Registration officers shall be made some time between Saturday, the eleventh day of June, and Saturday, the twenty-fifth day of June in said year; and, *provided further*, that the lists of names to be furnished by the city executive committee from which the appointments of such Registration officers shall be made, with regard to those to be appointed in the year aforesaid shall be furnished not later than Saturday, the eleventh day of June in the year aforesaid.

When terms of office begin. Term. The terms of office of such Registration officers shall begin on the first Tuesday in July next after appointment and shall continue for two years thereafter, and until their successors shall be duly chosen and qualified, unless sooner removed as provided in this act.

Alternate Registrar. V. They shall also when appointing Registration officers for the several election districts of the City of Wilmington at the same time appoint in each election district in the said city one capable person, who shall be a voter and resident in the election district for which he shall be appointed, to be "Alternate Registrar" for the said election district. The term of office of said "Alternate Registrar" shall be the same as that of the registrar, and whenever the registrar provided for by this act shall be incapable from any cause whatsoever of performing the duties required of him by the laws of this State, the alternate registrar in the same election district shall act in his stead, and while acting shall possess all the powers and do and perform all the duties of a registrar.

Term of office. When to act. Powers and duties.

When Alternate not to act. VI. But nothing herein contained shall authorize or empower the alternate registrar to act at any time when there is a registrar of the election district able and willing and present to act. If any registration officer or alternate registrar shall remove from the election district for which he shall be appointed, or shall cease to be a voter therein, his office shall thereupon become vacant.

Vacancies

Vacancies in Registration office. VII. If any vacancy or vacancies should occur in the office of registrar, assistant registrar or alternate registrar, before the expiration of such term, from any cause whatsoever, the said Department of Elections shall appoint some suitable person or persons to fill such vacancy or vacancies who shall serve for the residue of such unexpired term or terms, who

How filled. Term of appointee.

## OF THE GENERAL ELECTION.

shall possess the same qualifications and be qualified in the same manner, possess the same powers and perform the same duties as the original appointee or appointees. Each registrar, assistant registrar and alternate registrar before entering upon the duties of his office, shall take and subscribe before the Clerk of the Peace of the county in which he shall reside the following oath or affirmation which the said Clerk of the Peace is hereby authorized to administer :

Qualifica-  
tions, pow-  
ers, &c.

Oath of  
Registrars  
& alternate  
officers.

"I . . . . . residing in . . . . . Election District of . . . . . Representative District in . . . . . County, do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of Delaware, and that I will faithfully discharge the duties of the office of registrar (assistant registrar or alternate registrar) for . . . . . Election District in . . . . . Representative District in . . . . . County faithfully, honestly, fairly, impartially and according to the best of my ability ; that I am a citizen of the United States and of the State of Delaware, and am not a candidate for any office to be voted for by the election district for which I am appointed registrar (assistant registrars or alternate registrar) and that I am a qualified voter in said election district."

Form.

VIII. Should the said registrar, assistant registrars or either of them or alternate registrar after taking said oath and before entering upon the active duties of said office become a candidate for any office to be voted for by the electors of the election district for which he is appointed registrar, assistant registrar or alternate registrar, the said office shall *ipso facto* become vacant and be filled by the appointment of another person to the same. After any registrar, assistant registrar or alternate registrar shall have entered upon the active duties of his office he shall thereby become ineligible to any office to be voted for at the next ensuing general election.

Officers be-  
coming candi-  
dates to  
vacate  
office.

How filled

Officers to  
be inelligi-  
ble to be  
voted for.

SECTION 4. Each and every person appointed as aforesaid to act as registrar, assistant registrar or alternate registrar shall qualify as such registrar, assistant registrar or alternate registrar by taking and subscribing the oath or affirmation prescribed in the preceding section within ten days after being notified of his appointment and shall perform the duties of the office for the time for which he was appointed, unless he

Time of  
taking  
oath and  
qualifying



## OF THE GENERAL ELECTION.

shall become disqualified by sickness or otherwise. But any registrar, assistant registrar or alternate registrar, who shall be appointed to fill a vacancy, shall qualify forthwith. And if any registrar, assistant registrar or alternate registrar, who being appointed either for a full term or to fill a vacancy, shall refuse to qualify as aforesaid, or having qualified, shall fail or refuse to perform any of the duties of said office, he shall forfeit and pay to the State a fine of one hundred dollars, upon conviction thereof by indictment in the Court of General Sessions of the county where such offence was committed.

Appoint-  
tees to va-  
cancies to  
qualify  
forthwith.

Refusal to  
qualify.

Penalty.

Certifi-  
cate of ap-  
point-  
ment.

Form of.

Removal  
of Regis-  
tration  
officers.

The Department of Elections shall deliver a certificate of appointment to whomsoever it shall appoint and who shall be sworn into office as registrar, said certificate to be in such form as shall be prescribed by such Department of Elections, specifying the election district in and for which the person to whom the same is issued is appointed to serve, and the date of the expiration of his term of office. The Department of Elections shall have full power and authority to remove any of the registration officers appointed by them as aforesaid for want of requisite qualification or cause, but in either of such case such removal, unless made while the registrars are actually on duty, on a day of registration, and for improper conduct as a registration officer, shall only be made after notice in writing to the officer sought to be removed, which notice shall set forth clearly and distinctly the reasons for removal. Any person appointed to fill any vacancy shall serve for the unexpired term of the person whose office he is appointed to fill.

Privileges  
of Registra-  
tion officers.

Disqualifi-  
cation for  
office of  
registration  
officers.

Office of  
Depart-  
ment of  
Elections.

Limit of  
rent.

How rent  
to be paid.

The registration officers during the time they hold such office shall be exempt from the performance of military and jury duty, and no person who by the laws of the State is exempt from jury duty shall be required to serve as registration officer.

SECTION 5. The said Department of Elections may rent some suitable and convenient place in the said city, and fit up the same for an office for the use of the said Department of Elections at a yearly rental not to exceed three hundred dollars, to be paid upon the warrants of the President of the Department of Elections, in the same manner as is provided for the payment of the legal compensation of members of said Department of Elections.

## OF THE GENERAL ELECTION.

SECTION 6. The legal compensation of all members of the Department of Elections shall be paid quarterly, on the last days of March, June, September and December, by the State Treasurer out of any money belonging to the State, not otherwise appropriated.

Time of  
payment  
of com-  
pensation  
of mem-  
bers of de-  
partment.

SECTION 7. If any member of the Department of Elections, of whom any duty is required in this act, shall be guilty of any willful neglect of such duty, or of any corrupt or fraudulent conduct or practice in the execution of the same, he shall, on conviction thereof, be adjudged guilty of a misdemeanor and shall be punished by imprisonment in the county jail for not more than two years, or by fine of not more than two hundred dollars, or both.

Neglect of  
duty or  
corrupt or  
fraudulent  
practices  
of mem-  
bers of de-  
partment.  
Penalty.

SECTION 8. It is hereby made the special duty of the Department of Elections to notify the attorney General of all violations under this act.

Depart-  
ment to  
notify At-  
torney  
General of  
violations  
of act.

SECTION 9. All acts and parts of acts supplied by or inconsistent with this act are hereby repealed.

*Approved May 20, A. D. 1898.*

## OF THE GENERAL ELECTION.

## CHAPTER 41.

## OF ELECTIONS IN WILMINGTON HUNDRED.

**AN ACT** more clearly defining the duty of the Department of Elections in the City of Wilmington.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

Powers  
and priv-  
ileges of  
Depart-  
ment of  
Elections.

SECTION 1. That the Department of Elections of the City of Wilmington shall have and exercise all the powers and privileges in respect to elections, which shall hereafter be held in said city, which the Department of Elections had and possessed by virtue of an act of the General Assembly, entitled "An Act to provide for the Registration of Voters in the City of Wilmington," passed at Dover, May 13, A. D. 1891, shall select election places in the respective districts, appoint all election officers with power to remove the same, and have all other powers and privileges exercised and possessed by said Department of Elections, in respect to elections under this act.

Not to im-  
pair other  
laws.

SECTION 2. Nothing in this act shall be construed to repeal or impair any act or part of an act passed by the present session of the General Assembly.

*Approved June 1, A. D. 1898.*

## OF THE GENERAL ELECTION.

## CHAPTER 42.

## OF THE GENERAL ELECTION.

**AN ACT** in relation to printing and distributing the Registration, Ballot and other Election Laws of the State.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That the Secretary of State be and he is hereby authorized and directed to have printed in pamphlet form, with index and side notes, fifteen hundred copies of the Registration laws ballot law and other election laws of the State, which he shall deem necessary for the information of the voters of the State.

In three hundred of said pamphlets he shall also include the act entitled "An Act creating a Department of Elections for the City of Wilmington," passed and approved at the present session and such other election laws as relate specially to the City of Wilmington. Said printing shall be done by contract to be awarded to the lowest responsible bidder, after notice and in accordance with specifications, advertised by said Secretary of State, in one newspaper in each county for two publications in two successive weeks.

SECTION 2. That the cost for printing the said pamphlets shall not exceed the sum of two hundred and fifty dollars, which said sum or so much thereof as is necessary be and the same is hereby expressly appropriated for that purpose out of any moneys in the State Treasury not otherwise appropriated and shall be paid by the State Treasurer upon the order of the Secretary of State, setting forth the different items of expense of the printing of said pamphlets.

SECTION 3. When the said pamphlets are printed, the same shall be distributed as follows: One to each registrar in the State outside of Wilmington and to the Department of Elections of the City of Wilmington a sufficient number for registrars in the City of Wilmington, and the remainder to be divided equally among the members of the General Assembly,

## OF THE ELECTION OF ASSESSORS.

except one hundred copies, which shall be retained by the Secretary of State for general distribution.

*Approved June 1, A. D. 1898.*

## CHAPTER 43.

## OF THE ELECTION OF ASSESSORS.

AN ACT providing for the Election of Assessors in Kent County.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

Election  
of Asses-  
sors for  
Kent  
County.

SECTION 1. That at the General Election to be held in year A. D. 1898 and every second year thereafter there shall be elected from each of the Representative districts into which Kent county is divided by the Constitution of this State, by the qualified voters thereof, one person to be Assessor in and for such Representative district.

Qualifica-  
tions of  
Assessors.

SECTION 2. That the person so elected Assessor shall be a resident of the district for which he shall be elected, and shall at the time of his election have been a citizen and inhabitant of the State three years next preceding the day of his election, and the last year of that term a resident of the district for which he shall be elected.

Duties and  
Require-  
ments.

SECTION 3. That the persons elected Assessors under the provisions of this act shall perform all duties and be subject to all the requirements heretofore imposed upon Assessors under the law of this State.

*Approved June 1, A. D. 1898.*

## OF SPECIAL ELECTIONS.

## CHAPTER 44.

## OF SPECIAL ELECTIONS.

**AN ACT** providing for a Special Election to fill the vacancy in the State Senate occasioned by the death of Robert J. Hanby, Esq., late a member from New Castle County.

WHEREAS, A vacancy exists in the (State) Senate caused by the death of Robert J. Hanby, Esq., late a member from New Castle county, and in obedience to the command of the Constitution in that behalf, it becomes necessary that a special election should be had and held to fill said vacancy, and

WHEREAS, The General Assembly will in a short time adjourn sine die, and the choice of a member for the residue of the term could not in any sort change the political complexion of the Senate, and it is deemed expedient to simplify the election and relieve the county of New Castle of much expense, but at the same time provide an opportunity for all persons entitled to vote an easy and convenient method to express their choice ; therefore,

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

SECTION 1. That at the special election to be held in New Castle county to choose a Senator in lieu of Robert J. Hanby, Esq., late a member from New Castle county, deceased, the provisions of the act entitled, "An Act providing for the registration of voters," passed at Dover, May 13, A. D. 1891, and of the act entitled, "An Act to provide for the secrecy and purity of the ballot," passed at Dover, May 15, A. D. 1891, and of the act entitled, "An act to provide for the registration of voters in the City of Wilmington," passed at Dover, May 13, A. D. 1891, except as herein provided, shall not apply and their provisions are for said elections suspended.

Laws not to apply to election of successor of late Senator Hanby.

SECTION 2. That said special election shall be had and held under the provisions in relation to special elections as the same are contained in Sections 40, 41, 42, 43, 44, 45 and 46 of Chapter 18 of the Revised Code, and for that purpose said sections and laws in same referred to, are hereby re-enact-

Under what laws held.

## OF SPECIAL ELECTIONS.

ed and made effective, subject, however, to the amendments and changes hereinafter mentioned.

Amend-  
ment of  
Section 43,  
Chap. 18.

SECTION 3. That Section 43 of said Chapter 18 be amended by adding thereto the following: "And it is further provided that the Department of Elections of the City of Wilmington in and for New Castle county, be and it is hereby empowered to designate and fix the place or places for holding said election in each of the twelve wards of the City of Wilmington, that the number of places for holding said election shall not exceed two in number for any one ward, that the said Department of Elections are hereby authorized, empowered and directed to appoint the necessary and proper officers to hold said election, it is also provided that the person who acted as inspector at the last general election for the northern election district of Brandywine hundred, shall be the inspector and presiding officer of the special election mentioned in this act, and all persons having a right to vote in Brandywine hundred shall have the right to vote at the place by the said inspector designated in his notice of election; that the person who acted as inspector at the last general election for the northern election district of Christiana hundred, shall be inspector and presiding officer of the special election mentioned in this act, and all persons having the right to vote in Christiana hundred shall have the right to vote at the place by the said inspector designated in his notice of election; that the person who acted as inspector at the last general election for the eastern election district of Mill Creek hundred shall be the inspector and presiding officer of the special election mentioned in this act, and all persons having a right to vote in Mill Creek hundred shall have the right to vote at the place by the said inspector designated in his notice of election; that the person who acted as inspector at the last general election for the central election district of White Clay Creek hundred, shall be the inspector and presiding officer of the special election mentioned in this act, and all persons having a right to vote in White Clay Creek hundred shall have the right to vote at the place by the said inspector designated in his notice of election; that the person who acted as inspector at the last general election for the southern election district of New Castle hundred shall be the inspector and presiding officer of the special election mentioned in this

## OF SPECIAL ELECTIONS.

act, and all persons having a right to vote in New Castle hundred shall have the right to vote at the place by the said inspector designated in his notice of election ; that the person who acted as inspector at the last general election for the eastern election district of Red Lion hundred shall be inspector and presiding officer of the special election mentioned in this act, and all persons having a right to vote in Red Lion hundred shall have the right to vote at the place by the said inspector designated in his notice of election ; that the person who acted as inspector at the last general election for the northern election district of Pencader hundred shall be the inspector and presiding officer of the special election mentioned in this act, and all persons having a right to vote in Pencader hundred shall have the right to vote at the place by the said inspector designated in his notice of election ; that the person who acted as inspector at the last general election for the first election district, West St. Georges hundred, shall be inspector and presiding officer of the special election mentioned in this act, and all persons having a right to vote in St. Georges hundred shall have the right to vote at the place by the said inspector designated in his notice of election ; that the person who acted as inspector at the last general election for the western election district of Appoquinimink hundred shall be the inspector and presiding officer of the special election mentioned in this act, and all persons having a right to vote in Appoquinimink hundred shall have the right to vote at the place by the said inspector designated in his notice of election ; that the person who acted as inspector at the last general election for the northern election district of Blackbird hundred shall be inspector and presiding officer of the special election mentioned in this act, and all persons having a right to vote in Blackbird hundred shall have the right to vote at the place by the said inspector designated in his notice of election ; it being the intent and meaning of this act that the said special election shall be held at only one place in each hundred throughout New Castle county and that the said special election in the City of Wilmington shall be held at least in one place and not more than two places in each ward of the said city. It is also provided that the said Department of Elections shall advertise at least two days in two of the daily papers, of the place or places selected by them for holding said election in said City of Wilmington.



## OF SPECIAL ELECTIONS.

**Ballots.** SECTION 4. That the ballots to be used at the said special election shall be written or printed on good white paper, and need not be more than three inches wide and three inches long. There shall be no mark, device or anything written or printed thereon other than the title or name of the political party of the voter and the name of the person voted for, with the designation of the office, thus :

## DEMOCRATIC TICKET.

For Senator in the General Assembly.

(A. B.)

In lieu of Robert J. Hanby, deceased.

## REPUBLICAN TICKET.

For Senator in the General Assembly.

(C. D.)

In lieu of Robert J. Hanby, deceased.

And the said ballots may be written or printed by the party desiring to use the same.

**Punish-  
ments for  
violation  
of law.**

SECTION 5. That the provisions of Chapter 18, of the Revised Code, for the punishment of persons violating said chapter, are hereby specially re-enacted and made to apply to the election hereby provided for.

**Hour of  
opening  
election.**

**How con-  
ducted.**

**(Canvass of  
vote.**

SECTION 6. That the election herein provided for shall be open between the hours of 10 and 11 o'clock of the forenoon and close at 7 o'clock in the afternoon, and in all respects conducted as provided for by Section 45 of said Chapter 18, of the Revised Code, *provided*, that if the day next after the said election shall be Sunday, then the several inspectors herein authorized to hold said election, shall meet at the Court House at 12 o'clock noon of the Monday following, as a Board of Canvass.

SECTION 7. That the Secretary of State be and he is hereby authorized to have printed five hundred copies of this act and deliver the same to the Sheriff of New Castle county, to be by him distributed to and among the several inspectors authorized to hold the special election herein mentioned."

*Approved February 15, A. D. 1898.*

OF SPECIAL ELECTIONS.

CHAPTER 45.

OF SPECIAL ELECTIONS.

AN ACT in relation to the Election expenses incurred in the election of a successor to Hon. Robert J. Hanby, deceased, late Senator from New Castle County.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

SECTION 1. That the Levy Court Commissioners of New Castle county be and they are hereby authorized, empowered, and directed to pay all of the legitimate expenses incurred in the special election of a successor to Hon. Robert J. Hanby, deceased, late senator from New Castle county.

Payment  
of ex-  
penses of  
election of  
successor  
to Hon.  
Robert J.  
Hanby.

*Approved March 24, A. D. 1898.*

## TITLE FIFTH.

### Of Certain Public Officers.

#### CHAPTER 46.

##### OF CERTAIN PUBLIC OFFICERS.

AN ACT in relation to the Payment of Fees for Commissions by Persons appointed to Office, appointments to which office for full terms, are required to be confirmed by the Senate.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

State tax  
for com-  
missions  
to officers.

Collection

Proportionate  
part.

Allow-  
ance to  
officers  
commis-  
sioned and  
confirmed

SECTION 1. That whenever the Governor shall commission to office, such officers as he is or may be authorized by the Constitution or by law to commission, any person whose appointment is required to be confirmed by a majority of all the members elected to the Senate, it shall be the duty of the Secretary of State to collect from every such person appointed as herein stated, as fee for the commission which he shall receive, proportionate part of the fee which he is by law required to demand and receive for the full term to which the appointment to said office is limited, in the ratio of the time which from the date of the appointment to the last day of the next session of the Senate, will bear to the full term to which said appointment is limited.

SECTION 2. That appointments heretofore made to offices prescribed in the preceding section and in which full payment for commissions therefor have been made to the Secretary of State and which he has accounted for the amount to the State Treasurer, it shall be the duty of the Secretary of State and he is hereby directed to allow to all such persons, who are re-commissioned upon confirmation by the Senate, the proportionate part of the fee which he collected for the full term in payment of the

OF SALARIES.

fee for the commission when confirmed by the Senate, in the ratio of the time which a full term bears to the time intervening between the date of his first commission and the date of the commission issued upon confirmation by the Senate.

SECTION 3. That all laws or parts of laws inconsistent with the provisions of or contrary to, this act be and the same are hereby repealed.

*Approved, March 17, A. D. 1898.*

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CHAPTER 47.

OF SALARIES.

AN ACT to amend Chapter 25 of the Revised Statutes of the State of Delaware, entitled "Salaries."

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

SECTION 1. That Section 6 of Chapter 25 of the Revised Statutes of the State of Delaware, be and the same is hereby stricken out and the following inserted in lieu thereof: "These Salaries shall be paid <sup>salaries paid</sup> quarterly."

*Approved March 10, A. D. 1898.*

## OF THE GENERAL ASSEMBLY.

## CHAPTER 48.

## OF OFFICERS OF THE GENERAL ASSEMBLY.

AN ACT to repeal Chapter 577, Volume 19, Laws of Delaware.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*Act fixing  
compensation  
of officers of  
General  
Assembly  
repealed.

SECTION 1. That Chapter 577, Volume 19, Laws of Delaware, be and the same is hereby repealed.

*Approved June 1, A. D. 1898.*

## CHAPTER 49.

## OF OFFICERS OF GENERAL ASSEMBLY.

AN ACT in relation to the Compensation of Officers of the General Assembly.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*Fixed  
compensation.

SECTION 1. That beginning with the session of the General Assembly for the year, A. D. 1899, the officers of the two Houses shall receive a fixed compensation for their services during the session of the Legislature as follows :

Senate  
clerk.

The Clerk of the Senate shall receive the sum of five hundred dollars.

Reading  
clerk.

The Reading Clerk of the Senate shall receive the sum of three hundred dollars.

Sergeant-  
at-arms.

The Sergeant-at-arms of the Senate shall receive the sum of two hundred dollars.

Chaplain.

The Chaplain of the Senate shall receive the sum of fifty dollars.

OF THE GENERAL ASSEMBLY.

The Page of the Senate shall receive the sum of fifty dol- Page.  
lars.

The Clerk of the House of Representatives shall receive House  
the sum of six hundred dollars. clerk.

The Reading Clerk of the House shall receive the sum of Reading  
three hundred dollars. clerk.

The Sergeant-at-arms of the House shall receive the sum Sergeant-  
of two hundred dollars. at-arms.

The Chaplain of the House shall receive the sum of fifty Chaplain.  
dollars.

The Page of the House shall receive the sum of fifty dol- Page.  
lars.

SECTION 2. That an enrolling Clerk for both Houses Enrolling  
shall be appointed by joint resolution. The said enrolling clerk. Appoint-  
ment.  
clerk shall receive such compensation as the General Assem- Compen-  
bly shall direct, not to exceed the sum of four hundred dol- sation.  
lars.

SECTION 3. That the Clerks of the respective Houses shall Compen-  
receive for all their services in preparing and superintending sation of  
clerks for  
the printing of the respective Journals a compensation of one printing  
Journals.  
hundred dollars each.

SECTION 4. No compensation other than the further or Limit of  
hereinbefore provided for shall be allowed or paid any of the compen-  
officers of the General Assembly. sation.

*Approved May 5, A. D. 1898.*

## OF THE GOVERNOR.

## CHAPTER 50.

## OF THE GOVERNOR.

AN ACT to repeal Chapter 124, Volume 13, Laws of Delaware, entitled "An Act to increase the salary of the Governor."

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

SECTION 1. That Chapter 124, Volume 13, Laws of Delaware, be and the same is hereby repealed.

*Approved March 10, A. D. 1898.*

## CHAPTER 51.

## OF THE GOVERNOR.

AN ACT in relation to the Salary of the Governor.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

Salary of  
(Governor.  
How paid. SECTION 1. That the annual salary of the Governor shall hereafter be two thousand dollars, to be paid in quarterly payments of five hundred dollars each, and to commence with the day of his inauguration.

SECTION 2. All acts or parts of acts inconsistent with this act be and the same are hereby repealed.

*Approved March 10, A. D. 1898.*

OF THE SECRETARY OF STATE.

CHAPTER 52.

OF THE SECRETARY OF STATE.

AN ACT to repeal Chapter 149, Volume 16, Laws of Delaware, relating to the Salary of the Secretary of State.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

SECTION 1. That Chapter 149, Volume 16, Laws of Delaware, be and the same is hereby repealed.

*Approved March 10, A. D. 1898.*

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CHAPTER 53.

OF THE SECRETARY OF STATE.

AN ACT to repeal Chapter 400, Volume 13, Laws of Delaware, entitled "An Act to increase the Salary of the Secretary of State."

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

SECTION 1. That Chapter 400, Volume 13, Laws of Delaware, be and the same is hereby repealed.

*Approved March 10, A. D. 1898.*



## OF THE ATTORNEY GENERAL.

## CHAPTER 54.

## OF THE SECRETARY OF STATE.

## AN ACT in relation to the Salary of the Secretary of State.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

Salary of  
Secretary  
of State.

How paid.

SECTION 1. That the annual salary of the Secretary of State shall hereafter be one thousand dollars, to be paid in quarterly payments of two hundred and fifty dollars each, and to take effect from January 1st., 1898.

SECTION 2. All acts or parts of acts inconsistent with this act, be and the same are hereby repealed.

*Approved March 10, A. D. 1898.*

## CHAPTER 55.

## OF THE ATTORNEY GENERAL.

## AN ACT to amend Chapter 332, Volume 16, Laws of Delaware, entitled "An Act to compensate the Attorney General for Extra Services."

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

Extra  
compen-  
sation of  
Attorney  
General.

How paid.

SECTION 1. That Section 1 of Chapter 332, Volume 16, Laws of Delaware, be and the same is hereby amended by striking out all after the word "Treasurer" in the fifth line of said section and before the word "such" in the sixth line thereof, and further by striking out at the end of said section the words "accompanying said draft or order."

*Approved March 17, A. D. 1898.*

OF NOTARIES PUBLIC AND COMMISSIONERS OF DEEDS.

CHAPTER 56.

OF NOTARIES PUBLIC AND COMMISSIONERS OF DEEDS.

AN ACT in relation to Notaries Public and Commissioners of Deeds.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

SECTION 1. That all acts of the General Assembly of this State in force on the fourth day of June one thousand eight hundred and ninety-seven relating to Notaries Public and Commissioners of Deeds be and the same are hereby re-enacted and made to apply to Chapter 36 of the Revised Statutes of the State of Delaware amended by act of this General Assembly.

Laws relating to Notaries Public and Commissioners of Deeds re-enacted.

*Approved March 10, A. D. 1898.*

CHAPTER 57.

OF NOTARIES PUBLIC AND COMMISSIONERS OF DEEDS.

AN ACT in relation to the official Acts of Notaries Public and Commissioners of Deeds.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

SECTION 1. That the official acts of any Notaries Public or Commissioners of Deeds residing in other States shall not be invalidated by reason of such Notary or Commissioner having heretofore failed to comply with the provisions of Section I, Chapter 10, Volume 20, Laws of Delaware, but such acts shall be as valid as though said officer had duly complied with the terms of said Section.

Acts of Notaries and Commissioners made valid.

*Approved May 19, A. D. 1898.*

## OF NOTARIES PUBLIC AND COMMISSIONERS OF DEEDS.

## CHAPTER 58.

## OF NOTARIES PUBLIC AND COMMISSIONERS OF DEEDS.

AN ACT to repeal Section 1 of Chapter 10, Volume 20, Laws of Delaware, being an act in relation to Notaries Public and Commissioners of Deeds.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

Act re-  
quiring  
oaths and  
commis-  
sions to be  
recorded  
repealed.

SECTION 1. That Section 1 of Chapter 10, Volume 20, Laws of Delaware, be and the same is hereby repealed.

*Approved May 19, A. D. 1898.*

## CHAPTER 59.

## OF NOTARIES PUBLIC AND COMMISSIONERS OF DEEDS.

AN ACT to amend Chapter 36 of the Revised Statutes of the State of Delaware relating to Notaries Public and Commissioners of Deeds.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

Term of  
office.

SECTION 1. That Section 3 of Chapter 36 of the Revised Statutes of the State of Delaware be and the same is hereby amended by striking out the word "seven" in the second line of said Section and inserting in lieu thereof the word "four."

Fee to  
State.

SECTION 2. That said Chapter 36 of the Revised Statutes of the State of Delaware be and the same is hereby further amended by striking out all of Section 6 of said Chapter after the word "fidelity" in second line of said Section and inserting in lieu thereof the following : "and the said Notaries shall each pay to the Secretary of State for the use of the State a fee of Six dollars and the said Commissioners shall each pay to the Secretary of State for the use of the State a fee of Ten dollars."

*Approved March 1, A. D. 1898.*

OF NOTARIES PUBLIC.

CHAPTER 60.

OF NOTARIES PUBLIC.

AN ACT authorizing the Appointment of a Notary Public for the Real Estate and Insurance Business of William H. Robinson.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

SECTION 1. That the Governor be and he is hereby authorized to appoint a Notary Public for Wilmington hundred, New Castle county, whose privileges and duties shall be confined to the business of the real estate and insurance office of William H. Robinson in said City of Wilmington. Additional Notary Public.

SECTION 2. That this act shall repeal all laws or parts of laws in so far as inconsistent herewith and be deemed a public act.

*Approved March 18, A. D. 1898.*

CHAPTER 61.

OF NOTARIES PUBLIC.

AN ACT authorizing the Appointment of an Additional Notary Public in and for Kent County to reside in the Town of Harrington.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

SECTION 1. That the Governor be and he is hereby authorized to appoint an additional Notary Public in and for Kent county to reside in the town of Harrington. Additional Notary Public.

*Approved May 19, A. D. 1898.*

## OF STATE DETECTIVES.

## CHAPTER 62.

## OF NOTARIES PUBLIC.

**AN ACT** authorizing the appointment of an additional Notary Public in and for Sussex County.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

Additional  
Notary  
Public.

SECTION 1. That the Governor be and he is hereby authorized to appoint an additional Notary Public in and for Sussex county, to reside in the town of Harberson, or within one mile of said town.

*Approved April 7, A. D. 1898.*

## CHAPTER 63.

## OF STATE DETECTIVES.

**AN ACT** to repeal Chapter 47, Volume 13, Laws of Delaware, entitled "An Act for the more efficient protection against crime."

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

Act relat-  
ing to  
State De-  
tectives  
repealed.

SECTION 1. That Chapter 47, Volume 19, Laws of Delaware, entitled "An Act for the more efficient protection against crime," be and the same is hereby repealed.

*Approved March 18, A. D. 1898.*

## OF STATE DETECTIVES.

## CHAPTER 64.

## OF STATE DETECTIVES.

## AN ACT in relation to State Detectives.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

SECTION 1. That the Governor shall on the second Tuesday in February in the year one thousand eight hundred and ninety-nine appoint two suitable persons, one of whom shall reside in the City of Wilmington, to be detectives for the State of Delaware. It shall be the duty of the said persons to ferret out crime, and when not under orders from the Attorney General or his Deputy, they shall be subject to the orders of the Chief of Police of the City of Wilmington. When under orders of the said Chief of Police they shall make to him weekly reports of their doings.

SECTION 2. They shall have authority to make arrests and serve writs anywhere in the State.

SECTION 3. They or one of them shall serve all requisitions made by the Governor, and for this shall not receive any compensation except their actual expenses. Such expenses shall be paid by the State Treasurer upon the production of vouchers approved by the Attorney General and the Secretary of State.

SECTION 4. They shall receive for their services, a salary of Twelve hundred dollars per annum each, payable in equal monthly installments by the Treasurer of the State of Delaware out of any funds in his hands not otherwise appropriated, upon the certificate of the Attorney General that they have faithfully performed the duties of their office during the preceding month.

SECTION 5. Before entering upon duties of their office they shall take and subscribe the oath prescribed by Article 14 of the Constitution of the State of Delaware.

SECTION 6. That the Detectives now in office, appointed under the provisions of Chapter 47, Volume 19, Laws of Del-

Appoint-  
ment of  
State De-  
tectives.

Residence  
Duties.

Reports.

Authority

Serving  
Requisi-  
tions.

Expenses.

Salary.

How paid.

Oath.

Present  
officers  
continued

## OF STENOGRAPHER AND TYPEWRITER.

Term of  
office.

aware, and the amendments thereto, shall continue in office until the second Tuesday in February in the year one thousand eight hundred and ninety-nine, and thereafter all appointments shall be for a period of four years, commencing on the second Tuesday in February in the year one thousand eight hundred and ninety-nine, and they shall hold office until their successors shall be duly qualified.

SECTION 7. All acts and parts of acts inconsistent with this act be and the same are hereby repealed.

*Approved, March 18, A. D. 1898.*

## CHAPTER 65.

## OF STENOGRAPHER AND TYPEWRITER.

**AN ACT** to provide for a Stenographer and Typewriter for the Governor and Secretary of State.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

Stenogra-  
pher and  
Type-  
writer for  
Governor  
and Secre-  
tary of  
State.  
Salary.

SECTION 1. That the Governor and Secretary of State be and they are hereby authorized and empowered to employ a Stenographer and Typewriter, at an annual salary not exceeding Three hundred and fifty (\$350) dollars to be paid by the State Treasurer in quarterly payments upon the order of the Governor and Secretary of State.

*Approved February 10, A. D. 1898.*

## TITLE SIXTH.

Of Religion, Public Education and Health.

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### CHAPTER 66.

#### OF THE SCHOOL FUND.

**AN ACT** to amend Chapter 40 of the Revised Code, entitled "Of the School Fund."

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

SECTION 1. That Section 1 of Chapter 40 of the Revised Code be and the same is hereby amended by inserting after the word "money" in the first line of said Section 1 the word "hereafter" and by inserting after the word "or" in the first line of said Section the word "now."

Establish-  
ing School  
Fund.

SECTION 2. That Section 4 of Chapter 40 of the Revised Code be and the same is hereby amended by striking out the whole of said Section 4 and inserting in lieu thereof the following :

What to  
belong to  
fund.

"SECTION 4. That all moneys or property given or hereafter appropriated or now in said fund are appropriated and dedicated to the purpose of public education in the State of Delaware."

*Approved June 1, A. D. 1898.*



## OF FREE SCHOOLS.

## CHAPTER 67.

## OF FREE SCHOOLS.

**AN ACT concerning the establishment of a General System of Free Public Schools.**

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

**SECTION 1.** The general supervision and control of the free public schools of this State, including those for colored children, shall be vested in a State Board of Education; which shall be composed of the Governor, the Secretary of State, the President of Delaware College, the State Auditor, and the senior member of each County School Commission by this act created, as members by virtue and during the continuance of their office.

**Officers of Board.** The Governor shall be the president and the Auditor shall be the Secretary of the said State Board of Education. The said

**Meetings.** State Board shall hold meetings quarterly, during the last week in each of the months of September, December, March and June in each year, in the office of the Auditor at Dover, and may hold special meetings at the call of the President (or Secretary.) The

**First meeting.** first meeting of the said State Board herein created, shall be on Saturday, the twenty-fifth day of June, in the year eighteen hundred and ninety-eight, at eleven o'clock in the forenoon.

**Quorum.** Four members shall constitute a quorum to do business, but a less number may adjourn from time to time until a quorum is secured.

**Person filling vacancy in office of Governor to be member of Board.** In any case where, under the Constitution, the powers and duties of the office of Governor devolve upon some person other than he who was elected to fill said office, such persons shall take the place of the Governor upon said State Board so long as he shall continue to act as Governor under the said Constitution. Before entering upon the duties of their office, the

**Oath.** members shall be severally sworn or affirmed to well and faithfully execute and discharge the duties of their said office. Any member may administer such oath or affirmation.

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SECTION 2. The State Board of Education shall have power to make all by-laws requisite for its own government, and to prescribe and cause to be enforced all rules and regulations necessary and proper for the execution of the powers and duties vested in it by the provisions of this act, and tending to the advancement of the standard of instruction and education in the free public schools, and to rendering the school system uniform throughout the State.

Powers  
and duties  
of State  
Board of  
Education  
By-laws,  
rules and  
regulations  
of Board.

It shall, at stated periods, compile or cause to be compiled a set of examination papers, which examination papers shall be as nearly equal as to the said State Board shall seem advisable, for all the teachers in all the free schools for white children throughout the State; and another set of examination papers which shall be as nearly equal as to the State Board seems advisable, for all the teachers in the free schools for colored children. *Provided, however,* that in the case of teachers in graded schools, a different set of examination papers, adapted to the various grades, may be framed. The said examination papers shall be composed of questions on pedagogy, orthography, reading, writing, mental and written arithmetic, geography, history of the United States, the Federal and State Constitutions, English Grammar, Physiology and Hygiene, with special reference to the effects of alcoholic drinks, stimulants and narcotics upon the human system, and on any other subjects or branches of knowledge which the said State Board shall deem proper. New sets of examination papers shall be compiled as aforesaid, from time to time, or former sets so revised and altered, as that no advantage may or can be gained by an applicant for a certificate from having been present at any previous examination.

Examination  
papers.

Graded  
Schools.

Subjects  
of examination.

New examination  
papers.

The State Board of Education shall, at its first meeting held under this act, adopt a list of text books to be furnished the schools, as hereinafter provided, and make contracts for the rates at which such books shall be furnished which list shall be the same throughout the State; and shall have full power and authority to make any changes in said list, or to compile new lists at any subsequent meeting, which to it shall seem proper and advisable for the cause of education. Such list shall always include books upon Physiology and Hygiene, with special reference to the effect of alcoholic drinks, stimulants and narcotics upon the human system. It shall have

Adoption  
of text  
books.

Contracts.

Changes.

## OF FREE SCHOOLS.

- Appeals.** jurisdiction to hear and determine finally all appeals from the several County School Commissions hereinafter created, and all appeals of teachers, applicants for certificates, county superintendents and members of school committees and boards of education. It shall issue a uniform series of blanks for the reports of teachers, and for those of any other school officer, which it shall deem advisable to be made for the advancement of education, the collection of statistics and the like for the clearer knowledge of the condition of the schools throughout the State; and shall require all records to be kept and returns to be made according to such forms. It shall make report to each General Assembly of the work done, and suggest any alterations or amendments in the then existing school laws. The members shall receive no salaries or remuneration for their office, but each, exclusive of the Governor, Secretary of State and Auditor, shall be paid five dollars for each day actually spent in attendance at the meetings of the Board; *provided*, that not more than thirty dollars in any one year shall be allowed to any one member for such attendance. The said allowance shall be paid by the State Treasurer to the said members, upon the warrant of the Governor, out of the general fund of the State. The said State Treasurer shall further pay all reasonable and proper bills incurred by the said State Board for printing and postage authorized under the provisions of this act, out of the general fund aforesaid, upon being presented with proper vouchers therefor by its secretary.
- Blanks.**
- Report.**
- Per diem.**
- Payment.**
- Bills for printing, etc.**
- Appeals concerning colored schools.** Whenever the State Board of Education shall hear any appeals, or take under consideration any matters or things, concerning the free schools for colored children in this State, or teachers in, or officers over, such schools, the President of the State College for Colored Students shall sit as a member of the said State Board in the place and stead of the President of Delaware College, and it is hereby made the duty of the Secretary of said State Board to give notice to the said President of the State College for Colored Students whenever such appeals, matters or things as aforesaid, shall come up for hearing or consideration by the said State Board; *provided*, that nothing in this act shall be deemed or taken to confer upon said President of the State College for Colored Students any right or authority to attend at, or sit as a member of, or have any voice or vote in the meetings of the said State Board of Education except in the case of appeals and matters and things affecting
- Who to sit**
- Notice.**
- Proviso.**

## OF FREE SCHOOLS.

schools for colored children as aforesaid, and no other.

SECTION 3. The supervision of all the free public schools, including those for colored children, in each of the counties of this State, subject to the general supervision and control hereinbefore vested in the State Board of Education, shall be vested in a County School Commission for each county. The said commission shall be composed of three members, no more than two of whom shall be of the same political party. They shall be appointed by the Governor, and hold office for three years, or until their successors are duly qualified; *provided, however*, that in the appointment of the first set of County School Commissioners under this act, one member of each of said commissions shall be appointed for one year, one for two years, and one for three years, for each county; and *provided further*, that in the appointment of said first set of said commissioners for the several counties, not more than two of either the one year members, or the two year members, or the three year members, shall be of the same political party.

Supervision of County School Commission.

How commission is composed.

Appointment Term.

Arrangement of terms.

Political complexion.

In the appointment of said first set of commissions, the member appointed for each county for one year, shall be the senior member during the first year; the member appointed for two years, shall be the senior member the second year; and thereafter, the member serving for his third year in the appointment of any set of said commissions, shall be the senior member.

Senior members.

Each County School Commission shall hold meetings quarterly, during the first week in the months of September, December, March and June, in each year, in the office of the County Treasurer, or some other convenient place, in its respective county. Special meetings may be held upon the call of any two members. The first stated meeting of each of the County School Commissions created by this act, shall be held on Saturday, the fourth day of June in the year eighteen hundred and ninety-eight at eleven o'clock in the forenoon. The senior member of the commission shall be its President and the junior member shall be its Secretary. Two members shall constitute a quorum to do business, but one may adjourn from time to time until a quorum is secured.

Meetings of County Commissions. Place.

Special meetings. First meeting.

Officers.

Quorum.

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**Oath.** Before entering upon the duties of his office, each member of said commission shall be sworn or affirmed to well and faithfully discharge the same. The oath or affirmation may be administered by any member.

**Vacancy.** A vacancy in the office of County School Commissioner, caused by death, resignation, removal, disability, or otherwise, shall be filled by the Governor for the unexpired term, *provided*, that such appointee shall be of the same political party as he, to fill whose unexpired term, the appointee is chosen. A commission for an unexpired term as aforesaid, shall vest in the holder thereof all the powers, and subject him to all the duties which would have devolved upon him had he been commissioned at the beginning of said term. Each of said commissions shall have power to make all such by-laws as are or may be necessary for its own government, and to formulate and carry into effect all such rules and regulations as are requisite and proper for the execution of the powers and duties conferred upon it by this act.

**By-laws and rules.**

**Object of County Commission.** SECTION 4. The object of the County School Commission shall be the investigation of the school system throughout the county of its jurisdiction, the methods of instruction and discipline employed in the schools, the performance of their several duties by the various school officers and teachers, and the condition of school property. To this end, each commission shall have full power and authority to visit all the schools in its county, including incorporated schools, and to observe and question the teachers concerning their method of instruction and discipline; to examine all reports and papers made to or filed with the County Superintendent for its county, and to confer with and aid him concerning the methods and systems which he has adopted, or desires to introduce into the schools under his supervision; to make reports quarterly to the State Board of Education at its stated quarterly meetings, containing any suggestions as to improvement in school methods and systems, and specifying any neglect or abuse on the part of any teacher or school officer whomsoever in its county. The commission shall, at any of its stated meetings, be ready to receive any and all complaints concerning teachers, the County Superintendent, or any school officer, whomsoever, of the county under its jurisdiction, and to hear evidence upon the same. The said com-

**Powers. Visits.**

**Methods.**

**Assistance of superintendent.**

**Reports.**

**Hearing complaints.**

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mission shall have power to determine the complaints aforesaid according to the best ability of its members, subject, however, to the right of appeal to the State Board of Education as hereinbefore provided. It shall be the further duty of each of the said County School Commissions, to act as a Sanitary Commission over any and all school property in the county under its supervision; with full power to condemn any school building, or any part thereof, as unsafe or unhealthy; and upon the certificate of such condemnation by the commission, the Trustee of the School Fund shall withhold from the district in which such condemned property is situated, its share of the State appropriation, until the further certificate of the commission that such condemned property has been repaired or replaced, or that provision therefor has been made. *Provided, however,* that nothing in this act shall be construed or taken to confer upon any of said County School Commission any power, right, or authority to close or suspend any school for any reason whatever.

Sanitary.

Condemnation.

Share of School Fund withheld.

Proviso as to closing schools.

SECTION 5. No member of any County School Commission shall receive any salary by virtue of his office, but, upon the warrant of the Governor, the State Treasurer shall, out of the general fund of the State, pay to each member of said commissions the sum of five dollars for each day actually spent in attendance upon the meetings of the commission of which he is a member; *provided*, that such allowance shall not exceed the sum of thirty dollars to any one member in any one year for such attendance; and the further sum of six cents per mile expended in visiting any of the schools under the supervision of the commission of which he is a member; *provided*, that such mileage shall not be allowed for more than one visit to any one school by any one member during a single quarter; and *provided further*, that such allowance for mileage shall not exceed the sum of twenty-five dollars to any one member during any one year. The said State Treasurer shall further pay all reasonable and proper bills incurred by the said County School Commission for printing and postage, out of the general fund aforesaid, upon being presented with proper vouchers therefor by its president or secretary.

Per diem.

Limit.

Expenses.

Limit.

Printing and postage.

SECTION 6. It shall be the duty of the State Board of Education, and also of each of the County School Commissions, to give notice of the time and place of each of its

Notice of meetings of State Board and

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County  
Commission.

stated meetings, by advertisement in two successive issues of three newspapers in the State, at least ten days before the time fixed for such meeting.

In the case of the County School Commission, such advertisement shall be in newspapers published in the county under its jurisdiction.

Division  
of counties  
into dis-  
tricts for  
colored  
schools.Meeting  
for.Places of  
meeting.Notice by  
advertis-  
ment.

SECTION 7. It shall be the duty of each of the first set of County School Commissions appointed under the provisions of this act, to lay out and divide the county under its jurisdiction into districts for colored schools. For this purpose, each of said commissions shall hold a special meeting on Tuesday, the seventh day of June in the year eighteen hundred and ninety-eight at eleven o'clock in the forenoon, at some suitable place in, with regard to the commission for New Castle county, the city of Wilmington and in, with regard to the commission for Kent county, the town of Dover, and in, with regard to the commission for Sussex county, the town of Georgetown; each of said commissions having first given notice by advertisement in two successive issues of two newspapers, of the time, place and purpose of such special meeting, and of the willingness of said commission to hear any and all persons who might have anything to state concerning the laying out of said districts.

Adjourn-  
ment.

Each of said commissions may adjourn from time to time.

Return.

Duty of  
Clerk of  
the Peace.Certificate  
to Trustee  
of School  
Fund.

Each of said commissions shall then, and as soon after the date of the special meeting aforesaid as may be, proceed to its work of laying out and establishing districts for colored schools in the county under its jurisdiction, and shall make return of their determination, giving the names, and the metes and bounds of the several districts so laid out by it, to the Clerk of Peace for the proper county, who shall preserve the same in the records of his office, and who shall, within five days after the receipt of such return, certify to the Trustee of the School Fund the names and numbers of the districts so laid out as aforesaid.

School  
meetings.

Immediately upon making return as aforesaid, each commission shall determine upon a time and place for each district thus laid out for the first meeting of the school voters held under this act in said districts, and shall advertise the same by

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posting five notices stating such time and place, in five of the Notice.  
 most public places in each of the said districts, *provided* that  
 the time for the holding of the meeting of the school voters  
 shall not, in any case, be later than the last week in August  
 in the year eighteen hundred and ninety-eight.

The districts so laid out by each of the said commissions Number-  
 shall be numbered in continuation of the school districts in ing dis-  
 the same county, and shall thenceforth be entitled to all the tricts.  
 rights and powers, and subject to all liabilities and penalties Rights  
 by this act provided. The determination and return of a and  
 majority of the County School Commission for any one of the powers.  
 counties, shall be as valid and effective as if made by all. Acts of  
majority of com-  
mission.

Each member of each of said commissions shall receive the Compen-  
 sum of one hundred dollars for the performance of the task in sation of  
 this section assigned, and the State Treasurer shall pay him said commis-  
 amount out of the general fund of the State, upon the warrant sioners.  
 of the Governor ; *provided*, that no member shall be entitled to Proviso.  
 receive any sum whatever if the commission of which he is a  
 member shall not have fully performed and executed the duties  
 prescribed in this Section before Wednesday, the tenth day of  
 August, in the year eighteen hundred and ninety-eight.

The districts for colored schools when laid out and estab- Changes  
 lished as aforesaid, may be changed or altered, divided, consol- in districts  
 idated or united by the County School Commissions, for the for colored  
 proper county at any time within the space of one year fol- people.  
 lowing ; but not afterwards, except in the manner hereinafter  
 provided in this act.

In determining upon the number of districts to be laid out Limita-  
 as aforesaid, each commission shall be limited to the number tion of  
 of colored schools in existence at the time of the passage of number of  
 this act. districts.

SECTION 8. At the elections held under the provisions of qualifica-  
 Section 7 of this act in the districts for colored schools, any tion of  
 colored male person over the age of twenty-one years shall voters.  
 have a right to vote. In the apportionment and distribution Appor-  
 to the school districts by the Trustee of the School Fund in tionment  
 the month of September, in the year eighteen hundred and of School  
 ninety-eight, the districts for colored schools laid out and fund.  
 established under the provisions of Section 7 of this act, shall



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be entitled to share therein, and none of the provisions of this act as to the withholding of a district's share in such apportionment, shall apply to the districts aforesaid in said first apportionment and distribution.

Transfer  
of prop-  
erty bound-  
aries.  
New dis-  
tricts.

SECTION 9. The mode of having property transferred from one school district to another, or of altering the boundaries of existing school districts, or of creating new districts shall be as follows :

Petitions  
to com-  
mission.

For trans-  
fers.

For new  
district.

Notice.

Determi-  
nation.  
Certificate

New dis-  
tricts.

Numbers.

Rights  
& powers.

Notice of  
meetings.

A petition stating the object sought shall be presented to the County School Commission of the proper county at any of its stated meetings ; signed, in the case of a petition to transfer, by the owner or owners of the property affected, or in the case of a petition to create a new district by twelve or more freeholders of the district or districts affected. Notice of the intention to present such petition must, in all cases, have been posted in four public places in the district or districts affected and a copy of the same transmitted to school committee of each district affected, through its clerk, ten days at least before the presentation of such petition. The County School Commission shall then determine the matter, and shall certify its finding to the Clerk of the Peace of the county, specifying, when the prayer of the petition shall have been allowed the metes and bounds of the new districts, and of the alterations in the boundaries of old districts by the transfer of property. A new district shall not be created unless it be made to appear to the Commission that such proposed new district shall contain at least thirty-five children over the age of five years, and that at least that same number will remain in each of the old districts affected. A new district thus created shall be numbered in continuation of the school districts of the county, shall be subject to and have all the rights and powers given by all the laws of this State having reference to free public schools. The commission so having created a new district as aforesaid shall give notice in writing, at least ten days before the holding of the first regular meeting of the school voters to be held in districts created as aforesaid, of the time and place for holding such meeting, which notice shall be posted in five of the most public places of the district. A failure to give notice as aforesaid shall in no wise affect or invalidate an organization that may be made by the school voters in such district, *provided*, that a majority of the school voters of the

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district be present at any meeting, held without notice given as aforesaid. The finding or return of a majority of the members of the commission upon any petition as aforesaid, shall be as effectual and binding as if made by all. The limits of the school districts so created, and alterations of the limits of old districts by division, union of several as hereinafter provided, or otherwise, shall be recorded in the office of the Clerk of the Peace of the proper county; and the number and location of such new districts and the alterations of old districts shall be certified to the Trustee of the School Fund by said Clerk of the Peace.

SECTION 10. Two or more school districts in any county may unite for establishing and supporting a free school for their common benefit; and such districts, when united, shall be one district by the name of "United School District Nos. . . . , in . . . county." The manner of forming a union of districts shall be this:

1. Notice shall be given in each district which it is proposed to unite, as required for stated meetings in the several districts.

2. At the meeting, thus called in each district, if two-thirds of the voters present are in favor of the union, a committee of three of such voters shall be appointed to arrange the terms and the meeting may be adjourned to hear their report; if a majority of them agree upon a union with any other district, or districts, and settle with the terms thereof, the same shall be reported to an adjourned meeting, and if such report shall be adopted by two-thirds of the voters present, it shall be obligatory, and the districts mentioned shall be united; *provided*, like proceedings be had in all the said districts; but, if, in either district, the report be not adopted by a vote of two-thirds, this shall not defeat the union between the other districts so adopting it; they shall be united, and the other shall be excluded.

3. A meeting of the united district shall be then held at the time and place fixed by the terms of the union. At this meeting, a school committee for the united school district shall be chosen, and a vote may be passed to raise money by contribution, but not by tax. This meeting shall also inquire into the proceedings preparatory to the union of the districts

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meeting. and its determination thereupon shall be conclusive. United  
Powers. school districts shall have the same powers and exercise them  
Taxation. in the same manner as original districts. The power of tax-  
ation shall extend to the amount that could be lawfully raised  
by tax in the several districts composing such united districts,  
if acting separately. The union of districts shall not effect  
Dividend. the account of the Trustee of the School Fund, but dividends  
of the income of the Fund shall be apportioned and credited  
to the original districts as before the union; and all sums  
placed to the credit of the several districts of which the union  
How paid. is formed, shall be paid upon the order of the school commit-  
tee of the united district, and applied to the use of such dis-  
trict, upon their showing that a sum has been raised sufficient  
to entitle these several districts to draw their dividends as  
Place of hereinafter provided. The place of meeting of school voters  
meeting. of a united school district shall be the school house of the  
district; or, if there be none, then one at the school house  
mentioned in the notices, which shall conform to any stand-  
ing order of the school voters. A proposal to have several  
Proposal school houses in a united district may be brought before a  
for several regular meeting of the school voters by inserting it in the  
school notices of such meeting, if such proposal is made the secre-  
houses. tary shall inquire concerning the regularity of the notice and  
make a minute of the fact. If it be carried, the school com-  
Power of mittee shall have power to execute it.  
commit- tee.

School dis-  
tricts con-  
tinued.

School  
officers  
continued.

SECTION II. All the school districts of this State, whether  
single, united, consolidated or incorporated, as they were es-  
tablished at the time of the passage of this act, shall be, and  
they are hereby, continued school districts of the State, by  
the same names, and with the same metes and bounds, as  
they severally possessed and were defined at the time of the  
passage of this act as aforesaid; and the several clerks and  
commissioners, or trustees, or members of Boards of Educa-  
tion in any or all of said districts at the time of the passage  
of this act, shall be, and they are hereby, continued as such  
clerks, commissioners, trustees, or members of the Boards of  
Education for any or all of said districts for the full term for  
which each of said clerks, commissioners, trustees, or mem-  
bers of Boards of Education were elected or chosen at the  
meeting of the school voters last preceding the passage of  
this act.

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SECTION 12. Each school district, by the name of "School District No. . . . in . . . county" or United School District, Nos. . . . in . . . county" (as the case may be, and filling the blanks properly,) may take and hold ground for a school house, and the appurtenances and furniture; may take and hold by devise, bequest, or donation, real and personal estate, not exceeding in clear annual income one thousand dollars, for the use of the free school in said district, and may alien the same; may take bond from the collector, or from the clerk; may prosecute actions upon it, and any action for injury done to any property of the district, in which action double damages and costs shall be recovered; and also any action for forfeiture or penalty due to the district; any of the said actions may be brought before a Justice of the Peace, if the sum demanded does not exceed two hundred dollars, and said Justice shall proceed as in other demands of like amount; may, where it appears upon settlement by the school committee of the districts that there is due from said committee of the district any sum of money actually received by said committee, bring an action of debt against the said committee, or the survivor or survivors of them in their individual names for recovery of the same as also for the penalty provided by this act, and judgment thereon shall be given as in other cases, and may be executed accordingly; such action, no matter what the sum demanded be, may be brought before a Justice of the Peace, and shall be proceeded in as other actions within the jurisdiction of such Justice are, and the remedy hereby provided shall have a retroactive effect; and may sue for and recover in an action of debt any sum or sums of money due to the district, and may bring such action against any member of a late school committee of the district, or any other person whomsoever who may have any money belonging to the district in his possession, or who may in any other manner be indebted to the district, and the remedy hereby given shall have a retroactive effect. A school district shall not possess any other corporate power or franchise.

Power of districts to hold property.

Other powers.

Suits.

Not to possess corporate powers.

SECTION 13. Every male person residing in the district, and having right to vote for Representatives in the General Assembly, and having paid his school tax for the preceding year; and every female person above the age of twenty-one

Voters, qualifications.

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years, residing as aforesaid, and having paid a school tax in the district where she resides, for the preceding year, shall be entitled and qualified to vote at all school elections in such district; and from and after the passage of this act, every female person of the age aforesaid, residing in an incorporated district, and having paid a tax as aforesaid, shall be entitled and qualified to vote at all school elections in such incorporated districts. *Provided, however,* that no white person shall have a right to vote at any meeting of colored school voters in any district, and no colored person shall have a right to vote at any meeting of white school voters in any district. If any person, not being so qualified, shall vote at any school meeting or election, such person shall be deemed guilty of a misdemeanor, and shall be fined fifteen dollars by any Justice of the Peace in the proper county.

Penalty  
for voting  
illegally.

Stated  
meeting.  
Time of  
holding.

Place.

Hour  
open.

Business.

SECTION 14. A stated meeting of the school voters of each school district shall be held on the last Saturday in June except in New Castle county, where such meetings, exclusive of those held in incorporated cities and towns, shall be on the first Saturday in June of each year, at 2 o'clock in the afternoon, except District No. 8 in New Castle county, where such meeting shall be held from half past four to six in the afternoon. The place for such meeting shall be the school house of the district, or, if there be none, at some place appointed by the County School Commission of the proper county. Such meeting shall be kept open for at least one hour. Any number of voters present shall proceed to business, and their acts shall be valid.

Order of  
business.

The order of business for such stated meeting shall be :

1. The appointment of a chairman and secretary.
2. The report of the old committee of the district, and the appointment of a special committee to audit the accounts.
3. The election by ballot, by a majority of the votes cast, of one member of the school committee to serve for the term of three years as a successor to the member whose term shall at the time expire; *provided,* that at the first stated meeting of any school district formed, laid out, or created after the passage of the act, there shall be elected in the manner aforesaid, a clerk to serve for the term of three years thereafter,

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and two commissioners, one for the term of two years, and another for the term of one year, or, in each case, until a successor be chosen; and the election in like manner to fill all vacancies, or unexpired terms, occasioned by death, or otherwise, of any member of said committee.

4 To resolve whether any sum above that required to be raised by law, shall be raised for the ensuing year; and, if it shall be resolved to raise such an additional amount, to determine by ballot, by a majority of the votes cast, whether such amount shall be raised by tax, or by subscription.

A stated meeting may, after the appointment of a chairman and secretary, be adjourned; and the proceedings of the adjourned meeting shall be of the same nature and force, except as to a tax, as if had at the original meeting. If the annual stated meeting shall not be held in any district, or if the school committee shall not then be elected, the district shall not thereby lose the power to proceed, but meetings, adjourned, occasional, or stated, may be held.

Occasional meetings of the school voters of a district may be called by the school committee, by advertisement stating the business of the meeting, and posted as required for stated meetings. They must be held at the place where stated meetings are held. At such meeting, any number of voters present may transact any business mentioned in the advertisement, but no other. The secretary shall make a note of the business mentioned in the advertisement, and where and when they were posted; these entries shall be conclusive, unless proved fraudulent; and the making of fraudulent entries shall be a misdemeanor, punishable by a fine, not exceeding one hundred dollars.

It shall be the duty of the clerk of the district to give notice of stated and occasional meetings, by advertisements, under hand, of the day, hour and place thereof, posted in five or more public places of the district, at least five days before the meeting; and if he neglects this duty he shall forfeit and pay to the district ten dollars; but the want of such notice shall not make the acts of the meeting void. If there be no clerk, the commissioner or commissioners shall give notice, under the same penalty; and if there be no member of the committee to give such notice, it shall be given by the Clerk of the Peace,

Adjourned meetings.

Failure to meet not to affect power to proceed.

Occasional meetings.

Business.

Duty of Secretary.

Fraudulent entries.

Penalty.

Notice of meetings.

Neglect. Penalty.

Notice in case of no clerk.

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on application of five or more of the school voters of the district. No vote respecting a tax shall be taken at any other time than the stated annual meeting, or the substitute therefor, Three certificates of the proceedings of every meeting of school voters shall be made and signed by the chairman and secretary ; one shall be delivered to the clerk of the district, one to the Auditor of Accounts, and one to the Clerk of the Peace of the county, to be kept as a public record.

**Neglect.** If the chairman or secretary shall neglect his duty in this respect for the space of one month, he shall be deemed guilty of a misdemeanor and fined fifty dollars.

**Failure to deliver certificates.** If the certificates be not so delivered within one month, the proceedings of the meeting shall be void, and the school committee in office, next before such meeting, shall continue in office, so far as to call another meeting, and shall proceed to do so by advertisements posted as required for stated meetings. A statement that the proceedings of the last meeting have not been duly returned, shall be sufficient statement of the business ; and at a meeting so called, the school voters shall have power to do an act which they could do at the preceding meeting ; and the meeting shall be regulated by the law applicable to the preceding meeting, and shall be a substitute therefor.

**Furnishing names of commissioners.** Immediately upon the election of commissioners in single or united election districts, or members of the Board of Education in incorporated districts, the Secretary or Clerk of the commissioners or Board of Education, as the case may be, shall transmit to the Clerk of the Peace of the proper county, the names and addresses of the commissioners or members of the Board of Education elected for the ensuing year, which names and addresses shall be furnished the Superintendent of public schools for the proper county, the State Auditor and Trustee of the School Fund, by said Clerk of the Peace.

**Supervision of schools in school committee.** SECTION 15. The supervision and control of the free public schools in each district in this State, now established or hereafter to be established under the provisions of this act, (subject to the general powers hereinbefore vested in the State Board of Education and the several County School Commissions) shall be vested in a school committee for each

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district; which shall be composed of a clerk and two com-  
missioners, who shall serve for three years from the time of their  
respective elections, or until their successors are duly quali-  
fied. The members of the said school committee shall be  
chosen or elected as provided in Section 14 of this act. Be-  
fore entering upon the duties of their office, each member of  
said committee shall be sworn or affirmed to perform the said  
duties of his office with fidelity. Any member of the new,  
or of a late committee may administer such oath or affirma-  
tion. The powers and duties of the school committee shall  
be: To determine the site, lease or purchase the necessary  
ground, and build or procure a suitable school house for the  
district, which shall be as near the center of the district as  
practicable, and which when built or procured, shall not be  
removed nor another built or procured without the direction  
of the school voters of the district at a stated meeting; to  
keep the school house in good repair and insure it against  
loss by fire, and to supply it with necessary furniture and  
fuel, and to bring action for any injury to it; to keep the  
school open for at least one hundred and forty days in each  
school year; to visit it at least once in each quarter of said  
school year; to employ a teacher or teachers who shall be  
well qualified mentally and morally for the position, *provided*,  
that no teacher shall be so employed who does not hold the  
certificate of the County Superintendent for the proper county  
for the year in which such teacher is employed, except where  
such teacher is employed for specialist work merely as set  
forth in Section 16 of this act; to dismiss a teacher for cause;  
to make regulations for the government of the schools in  
which the expulsion of a scholar for obstinate misbehavior  
may be provided; to collect and receive the money required  
by this act to be raised by the districts in Sections 18 and 19  
and to receive and collect all money belonging to, appropri-  
ated, or resolved to be raised by the district, and to apply and  
expend the same justly; to pay over to the successor in office  
any balance remaining at the expiration of the term of office;  
to make up the assessment list of the district and to provide  
for the collection of all school taxes, as set forth in Sections  
18, 19 and 20 of this act; to perform the several duties re-  
quired of its members by Section 22 of this act concerning  
free text books; to settle the accounts of the district with the  
Auditor and post copies of the same, as provided in this act;

How com-  
mittee  
composed.  
Term.  
Election.

Oath.

Powers &  
duties.



## OF FREE SCHOOLS.

to present the account so settled as aforesaid, and make general report as to the conditions of the school and the like and stating when and for what length of time the school was visited by its members, to the school voter of the district at their annual stated meeting; to give the required notices of all meetings of the school voters of the district as provided in Section 14 of this act; to institute any and all actions as provided in Section 12 of this act which may accrue to the district; to perform the further and other duties set forth in Section 16 of this act; and generally to do all acts and things requisite for affecting the premises.

Acts of  
majority  
valid.

The acts of a majority of the members of a school committee shall in all cases be as valid and effectual as if done by all.

Vacancies  
how filled.

Vacancies in the committee shall be filled by the school voters of the district as provided in Section 14 of this act.

Duties of  
clerk.

The special duties of the clerk of each school committee shall be :

To give notice of meetings of the school voters of the district as required by Section 14 of this act; to perform the several duties enjoined upon him by Section 22 of this act; concerning free text books; to keep a record book of the district, in which he shall enter its bounds and description, and any changes therein, a copy of the certificate of the proceedings of every meeting of the school voters, the proceedings of the school committee, and the names of the scholars attending the school, a list of whom shall be furnished by the teacher, which book shall be evidence; and shall also keep all papers belonging to the district, or to the committee.

Misappropriation of  
funds.

If any commissioner or clerk of any school district shall misappropriate any funds in his hands belonging to the school district in which he is such commissioner or clerk, he shall be deemed guilty of a misdemeanor, and upon conviction thereof, by indictment, shall be fined not less than twenty dollars nor more than five hundred dollars, together with the costs of prosecution, and upon failure to pay such fine and costs, he shall be imprisoned not less than three months nor more than two years. This provision shall be deemed and taken to be accumulative, and shall not affect or impair the individual

Penalty.

## OF FREE SCHOOLS.

liability of any such commissioner or clerk in any civil suit which may be brought against him.

The members of each school committee shall pay to their successors in office all money due from them, and if they neglect to do so for ten days, they or any one of them, shall forfeit and pay twenty-five per cent. on the sum due in addition to the amount so due as aforesaid.

To pay over moneys to successors  
Penalty for neglect

The members of the school committee shall receive no salary or emolument, but for attendance before the auditor, as provided in Section 26 of this act, they shall be allowed, in their account, one dollar each per day, and three cents each per mile of necessary travel.

No compensation.  
Allowance

SECTION 16. Each school committee and each Board of Education of every incorporated district, immediately upon the selection of a teacher or teachers for any school or schools under its supervision, shall notify the county superintendent for the proper county of such selection, stating the name, addresses and salaries of such teacher or teachers.

Superintendent to be notified of selection of teacher.

It shall be the duty of each school committee and of each Board of Education of incorporated districts to see that a flag of the United States, not less than eight feet long and six feet wide, is displayed on a suitable flag staff with proper appliances upon each school building, or near the same, in the district, during school hours.

Flag on school house.

It shall be the further duty of each of the said committees and of said Boards of Education to see that at least one proper and correct map of the United States, not less than four feet long and three feet wide, and at least one proper and correct map of the State of Delaware, not less than three feet by two feet, are exposed to view in some public and convenient place in each school house in the districts.

Maps in schools.

It shall be the further duty of each of said committees and Boards of Education to see that all the pupils in all the free schools in the district are instructed in Physiology and Hygiene with special reference to the effects of alcoholic drinks, stimulants and narcotics upon the human system, and to see that all the said schools are sufficiently supplied with such text books relating to such subjects as are furnished the district in the distribution of free text books hereinafter provided. Any

Instruction in physiology and hygiene.

## OF FREE SCHOOLS.

- Failure to** teacher in any of the free schools of the State, failing to so  
**so instruct** instruct all the pupils under his governance, shall, unless  
ordered to the contrary by a school officer having authority
- Penalty.** over him, be liable to a fine of twenty-five dollars, to be re-  
covered before any Justice of the Peace of the proper county
- School of-** by any informer, and any school officer ordering a teacher  
**ficer order-** under him not to instruct the pupils as aforesaid shall be lia-  
**ing teach-** ble to like fine, recoverable as aforesaid by any informer.  
**er not to.**
- Penalty.**
- Unlawful** It shall be unlawful for any school committee of a district,  
**to employ** or any Board of Education of an incorporated district, to en-  
**teacher** employ as a teacher, or permit to continue to teach, any person  
**not hold-** who does not hold an unexpired certificate from the County  
**ing certifi-** Superintendent for the proper county, except such teacher be  
**cate.** employed for specialist work merely, such as drawing, music
- Exception** and the like, under penalty of having withheld from the dis-  
trict in which such person is employed or permitted to teach
- Penalty.** its share of the State appropriation for the year of such em-  
ployment or teaching.
- Instruc-** It shall be the further duty of each school committee and  
**tion in** Board of Education in this State to see that the pupils in any  
**Constitu-** class or classes in the school who are instructed in United  
**tion of U.** States history by the teacher employed in the school shall also  
**S. and the** be instructed by the said teacher in the general principles of  
**State.** the Constitution of the United States and that of this State.
- Joint or** The respective school committees of adjoining districts  
**graded** shall have power to make such arrangements for the estab-  
**schools.** lishment of a school or schools for the joint benefit of the  
children of such adjoining districts as they may deem proper  
and advisable.
- Sanitary** Every school committee and every Board of Education in  
**rules and** this State shall have power, and it shall be their duty, to make  
**regula-** any and all such rules and regulations governing the pupils  
**tions.** of the districts as they shall deem proper or necessary to the  
health of such pupils, and the prevention of the spread of con-  
tagious or infectious diseases, and to this end may, if they  
deem advisable, provide for the free vaccination of such pupils.
- Vaccina-** tion.
- Admis-** The Board of Education of each incorporated school dis-  
**sion of** trict in this State may, and, unless the needs of the pupils  
**pupils of** residing in such incorporated district shall render it unadvis-  
**other dis-** tricts to

## OF FREE SCHOOLS.

able, shall, upon application, admit to the higher departments of such incorporated schools advanced pupils from other districts, upon such terms as the said Board of Education shall deem proper and reasonable; and the school committee of the district where the children so admitted reside, may, in its discretion, allow the amount or amounts prescribed by any such Board of Education for the admission of such pupils as aforesaid.

SECTION 17. In case the school commissioners of any school district shall not be able to procure by agreement with the owner a lot of land suitable and proper for the erection of a school house for the use of the district, it shall and may be lawful for the said school commissioners to apply to the Levy Court of their county, who shall thereupon appoint three judicious and impartial freeholders of said county, residing without the limits of said school district, to select a site for such school house and appurtenances, not to exceed half an acre in any case. The said commissioners shall, as soon as conveniently possible after the said appointment, notify the said freeholders and fix a day when they shall meet in said district to select such site, and shall also give notice to the inhabitants of said district of the time so fixed, by notices posted in five of the most public places in said district at least ten days before the day of meeting. The said freeholders shall, on the day so fixed, proceed to the said district taking with them a surveyor, if necessary, and shall select such site as they may deem most suitable for the purposes aforesaid, and shall cause a plot and a description of the same to be made out and delivered to the commissioners, who shall, within thirty days after such delivery, lodge the same in the Recorder's office of the proper county, to be recorded. The said freeholders shall also, at the time of selecting and locating the site, assess the damages of the owner or owners, taking into consideration all circumstances of convenience or injury, but in making such assessment, they shall allow at least the cash value of the land taken, and shall certify their award to both parties, owners and commissioners, whereupon, on payment of the damages, so assessed, the said land so taken shall become and be the property of the said school district for the purpose aforesaid. In case any such owner or owners be a minor, non-resident, or from any cause incapable of receiving, or unwilling, or neglecting to receive said damages, the said

higher departments

Securing site for school house.

Freeholders.

Duty of.

Notice.

Plot, etc.

Assessment of damages.

Deposit of damages.

## OF FREE SCHOOLS.

Failure to meet. school commissioners may deposit the same to the credit of such owner or owners, in the Farmers' Bank of the State of Delaware, or any branch thereof, and such deposit shall operate as payment.

Adjournment. In case the said freeholders should fail to meet on the day fixed, the commissioners may call them out again upon like notice to the district, as above provided. The said freeholders shall have power to adjourn from time to time. The decision of the majority shall be as valid as that of the whole.

Fees and expenses. The fees of the freeholders shall be one dollar per day. All the expenses shall be borne by the district.

Assessments by school committees. SECTION 18. It shall be the duty of the school committees of the several school districts for white children in the State, to make assessment lists for their respective districts. Such lists shall consist of the rates of persons of all the white male inhabitants of the district over twenty-one years old ; of the rates of the personal property of all the white inhabitants of the district ; and of the clear rental value of all the assessable real estate within the district owned by white persons. The personal property of all white persons now subject to tax for school purposes in the school district shall be liable to assessment and tax for school purposes in the school district, only in which it is actually located ; and it shall be the duty of the school committee of the several districts for white children as aforesaid within the limits of this State, making the assessment lists for their respective districts, to place thereon the rates of the personal property now subject to tax for school purposes in the school district in which it has an actual location, irrespective of the residence of the owner thereof. The school committees of the several school districts within this State shall not take the rates of personal property from the assessment lists of the hundred in which it stands assessed at the time, but shall fix the rates of personal property for their respective school districts upon personal view thereof, or other sufficient information of the owners or persons having control of the same. The assessment list of each school district as aforesaid, shall only include the personal property actually located therein ; *provided*, that no property shall be assessed for school purposes under the provisions of this act, which is exempted from taxation for county purposes.

Poll tax.

Personal property.

Real estate.

List to include what.

## OF FREE SCHOOLS.

They shall assess the clear rental value beyond reprises of all the assessable real estate in the district, and make out a list of the names of persons assessed, in alphabetical order, the rates of persons, and of personal property, number of acres, or other description of real estate, and the clear rental value thereof. When the line between two districts crosses the lands of person occupied in one body, the whole of such lands shall be assessed in the district where the dwelling house is, and no part in the other; *provided*, that any tenant residing on such lands in an adjoining district, shall, at his election, communicated in writing to the school committee of such adjoining district, at any time prior to the completing of the assessment list, be only assessed, and have school privileges in the district in which such tenant resides.

List of assessables.

Lands in two districts.

It shall be the duty of the school commissioners in each of the districts aforesaid, annually, in the month of July, to assess and levy without regard to any vote thereon, in each of their respective districts, that is to say; in each of the school districts in New Castle county the sum of one hundred dollars; in each of the school districts in Kent county the sum of one hundred dollars, and in each of the school districts in Sussex county, the sum of sixty dollars, to be applied to the support of the schools of their districts respectively.

Amounts to be raised by taxation.

New Castle county.  
Kent county.  
Sussex county.

A copy of the assessment list shall be posted in some public and suitable place of the district for inspection; and the committee shall, by advertisement in at least five public places in the district, give notice that said list is posted, and where; and of the day, hour and place (not less than five days thereafter), of their sittings to hear objections to it. Upon such hearing, the said committee shall make all such just corrections, and add anything omitted. The committee may adjourn if necessary.

Posting assessment lists.

Notice.

Appeals and corrections.

The list, when settled, shall be conclusive, and shall stand until the next assessment in the district when a new list shall be made for each school district. And every year the committee shall make proper additions and alterations in case of other persons or property becoming assessable, or being omitted, or in case of death or removal.

List to be conclusive

Annual additions and alterations.

## OF FREE SCHOOLS.

Proceed-  
ings not  
ques-  
tioned.

The proceedings of the committee shall not be questioned except for fraud or corruption.

Annual  
revisions  
and ad-  
justments.

The several school committees selected shall, annually, on oath or affirmation, revise and adjust the assessments of rental values in their respective districts so as to make them bear a due proportion to each other, having regard to their productiveness to their several owners.

Notice of  
assess-  
ment to  
non-resi-  
dents.

As soon as said assessments have been so adjusted, it shall be the duty of the clerks of the several districts to direct a letter to the address of each non-resident whose rental valuation has been assessed in any district, stating the amount of his or her rental valuation in any of said districts, and the day and hour when the school committee will sit as a Court of Appeal to hear any objections that may be made to said assessments.

Provi-  
sions to  
apply to  
colored  
schools.

SECTION 19. All the provisions of Section 18 of this act concerning the making of assessment list, shall apply to the several school committees to be elected in the several districts for colored schools, to be laid out and created under the provisions of this act, except that the word "colored" shall, in regard to said committees for said colored schools, be deemed and taken to be inserted in the place and stead of the word "white," where the latter word appears in said Section 18; and except further, that the sum to be raised by said committee for said districts for colored schools by levy and assessment in each of said districts without regard to any vote thereon, shall be the sum of fifty dollars for each district situated and being in either of the counties of New Castle and Kent, and the sum of thirty dollars for each district situated and being in the county of Sussex instead of the several sums or amounts specified in said Section.

Sum to be  
raised by  
tax in  
colored  
schools.

N. C. and  
Kent Co's.

Sussex  
Co.

Determi-  
nation of  
rate of tax.

SECTION 20. Upon the completion of the assessment and levy of the school tax in the school districts in this State by the respective school committees, as provided in Sections 18 and 19, each school committee shall determine the rate on every hundred dollars of the amount of the assessment list required to raise the sum levied with ten per centum added thereto for delinquences and costs of collection. After determining the rate as aforesaid, it shall and may be lawful for each of said school committees to accept and receive the tax

Commit-  
tee may  
receive  
tax until  
August 10.

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of each and every person liable to pay the same, who shall tender the payment thereof before the tenth day of August in the year in which said tax shall be levied, and the committee shall allow to every person so paying his tax within said time, an abatement of eight per cent. upon said tax.

Abate-  
ment.

It shall be the duty of each of said school committees, on the tenth day of August in each year, or as soon thereafter as practicable, to execute and deliver its warrant with duplicate of the uncollected assessment list to a collector specially appointed by the school committee or to the collector of county taxes for the hundred or districts in which said school districts may be situated and the said collector shall be, and he is hereby required to accept the same and collect the taxes thereon assessed.

Warrant  
and dupli-  
cate.

Delivery  
of.

To execute said warrant, the said collector shall proceed in the manner, and have all the powers of a collector of county taxes; and it shall be and may be lawful for any school tax collector, after demand made by him for the payment of the tax assessed against any inhabitant of the school district for which he is collector, and the failure of said taxable to pay the same on said demand, to give written notice to any person residing in the county wherein said district is located, whom he may suppose to have in his possession any goods, or chattels, rights or credits, moneys or wages belonging or owing to said taxable, stating the amount of taxes due from said delinquent taxable, and if the person so served with notice shall fail to deliver such goods and chattels, or to pay so much money or wages in his possession as shall satisfy said school tax due from said delinquent, said collector may proceed by suit in the name of the school district before any Justice of the Peace in said county, against any person so notified as aforesaid, and recover against him a judgment for the amount of said tax of said delinquent with costs, or for so much thereof as may be equal to the value of the goods and chattels, rights and credits, moneys and wages in his hands at the time of service of said notice or any time between then and the rendition of said judgment.

Proceed-  
ings and  
power of  
collector.

Attach-  
ment.

HULL.

The warrant aforesaid may be in the following form :

Form of  
warrant.

"School district No. . . . in . . . . County, . . . County, ss.  
The State of Delaware: To the collector of . . . .



## OF FREE SCHOOLS.

We command you to collect from the respective persons named in the annexed duplicate, the rate of . . . on every hundred dollars of the amount with which they respectively stand assessed, according to said duplicate ; and if any of said persons shall not, in ten days after demand pay the sum which you are required to collect from him, you are authorized to proceed in the manner, and use all the means provided by law for the collection of county rates.

Given under the hands and seals of the subscribers, members of the school committee of the district aforesaid, the . . . day of . . . , A. D., 18 . . ."

Refusal of  
collector  
to act.

Penalty.

If any collector of a hundred or of a district refuse to receive and execute a warrant directed to him as aforesaid, he shall forfeit and pay to the school district affected the sum of one hundred dollars.

Executor  
or admn. to  
act.

The executor, or administrator, of a collector, may execute the warrant, and shall have all his powers.

Evidence  
of demand

The oath of the collector, or of his executor or administrator, shall be competent evidence of the demand ; and no demand shall be necessary in case of a non-resident of the district.

Removal  
or death of  
taxable.

Suit.

Time in  
which to  
collect tax

If a person, liable to pay a rate, removes from the district, or dies without payment, it shall be deemed a debt due the collector, and may be recovered by suit before a Justice of the Peace. Any collector appointed as aforesaid, or to whom a warrant has been directed as aforesaid shall within thirty days after receiving the warrant, pay to the school committee the amount which he is required to collect, deducting delinquencies to be allowed by them, and his fees, at the rate of ten per cent. on the sum collected when it does not exceed fifty dollars, and eight per cent. when it exceeds that sum ; and every collector of a hundred or district, and his sureties, by virtue of his official bond, shall be liable thereof for every failure of duty and default in the premises ; which bond shall be proceeded on at the instance of the school committee of the district aforesaid. If any collector shall neglect to pay a school committee the money collected by him on the warrant of its members, and due, such a committee may, if the amount does not exceed two hundred dollars, sue him in the

Neglect to  
pay over  
tax.

Suit.

## OF FREE SCHOOLS.

name of the district before a Justice of the Peace, and recover the same.

SECTION 21. All public school grounds and all public school buildings and appurtenances, maintained at public expense, within this State, shall be exempt from county, town, municipal, water, street, sewer, and all other taxes. <sup>School property exempt from tax.</sup>

SECTION 22. The schools in the districts for white schools shall be free for all the white children of the district (and the schools in the districts for colored schools shall be free for all the colored children of the district) of six years of age or over; *provided*, that any district in the State, including those incorporated, and including the City of Wilmington, may establish a kindergarten, which shall or may be free for all the white or colored children (as the case may be) of the district of the age of four years or over. <sup>Schools to be free.</sup> <sup>Age of child.</sup> <sup>Kindergarten.</sup>

No discrimination against any taxable of any district shall be made by the school committee of the district, by a rate, charge, or apportionment, based upon the attendance at the schools of the district of the child or children of such taxable. <sup>Discrimination in taxables.</sup>

SECTION 22 1/2. Each school committee of the trustees of each school districts or districts in the State, outside the City of Wilmington, shall furnish the necessary text books free to all the pupils, including colored children, enrolled in the free public schools of the State, in the manner following: <sup>Text books.</sup> <sup>Free.</sup>

The school commissioners or trustees shall order from the publisher or publishers the books which have been adopted by the State Board of Education for use in the free schools of the State, at the net contract prices at which the publishers have agreed to supply the same, as follows: <sup>Ordering.</sup>

There shall be a blank order book prepared by the State Treasurer for the use of the school commissioners, which shall contain duplicate order blanks, with a printed list of the books which have been adopted by the State Board of Education, and the net contract prices at which the publishers agree to furnish the same. <sup>Order books.</sup>

Duplicate order shall be filled out and signed by at least two of the school commissioners, or, in case of united or incorporated districts, by the president and secretary of the <sup>Duplicates</sup>

## OF FREE SCHOOLS.

school board, one of these orders shall be forwarded to the State Treasurer to be forwarded to the publisher or publishers, and the other shall be kept as a stub in the order book as a voucher.

Duty of  
State  
Treasurer.  
Entries.

The State Treasurer, on receipt of an order or orders from the school commissioners, shall make an entry of the amount of the order or orders against the district or districts in a book kept for that purpose, and shall forward the order or orders at once to the publisher or publishers, requesting them, on receipt of the order or orders, to ship the books as directed at the contract prices named, and send duplicate invoices or bills for the same, one to the State Treasurer and the other to the clerk of the district to which the books are consigned.

Payment  
for books.

The State Treasurer shall pay the publisher or publishers out of the school fund of the State for books thus supplied, and charge the amounts so paid to the respective districts ordering said books, and deduct the same from the amount to which such district or districts may be entitled as in this act provided. The State Treasurer shall pay no bills for at least thirty days from the time any such are rendered, in order that he may be notified by the school commissioners of any error or failure on the part of the publishers to supply the books as ordered and directed, or as billed.

Distribu-  
tion of  
books in  
districts.

It shall be the duty of the clerk of each school district or districts to distribute the books received, as aforesaid, to the scholars of the district or districts, or their parents, guardians, or other persons as they may desire, upon receipt for the same.

Safe keep-  
ing of  
books.

Selling  
books.

The clerk of the district or districts shall be responsible for the safe keeping of the books furnished him as aforesaid, and also for prices of books sold, as hereinafter provided, to parents, guardians, scholars or other persons. Any money, or the value of the books which such clerk shall fail to account for according to law, may be recovered in the name of the State by the County Superintendent before a Justice of the Peace, as other accounts, when the amount does not exceed the sum of two hundred dollars. The said clerk shall, at the expiration of his term of office, turn over to his successor in office, all books on hand, and take a receipt for the same which shall be his voucher in settlement.

Clerk to  
deliver  
books to  
successor.

## OF FREE SCHOOLS.

It shall be the duty of the school commissioners to provide for the safe keeping and care of the books which shall be returned by the pupils at the close of the annual school term to the clerk of the district, or to such other person as the school commissioners shall designate. They shall also keep a separate account of the amount expended for books, and shall report it under a separate item in the annual settlement required aforesaid.

The school commissioners may furnish books at cost to pupils who wish to replace the books lost or willfully destroyed, or who may wish to own their books; and shall return the proceeds of all such sales into the school fund of the district, and report the amount at the time of the annual settlement with the State Auditor aforesaid.

It shall be the duty of every teacher in the free public schools of the State, to make out and hand to the commissioners of the district, at the end of each quarter, a report setting forth the whole number of pupils attending the schools during the quarter, designating whether male or female, the number of days each has attended, and an inventory of the books in the school belonging to the district, stating by whom such books are held, their condition, and the number of, and by whom books have been destroyed. Until such report shall have been made, it shall not be lawful for the commissioners to pay such teacher his salary. The reports made in pursuance herewith shall be forwarded annually, in the month of April, by the clerks of the several districts to the county superintendent for the proper county.

The State Treasurer shall be allowed five hundred dollars annually for postage, stationery, clerical assistance, and the like to carry out the provisions of this Section, and is authorized to pay out of the general fund of the State, the amount necessary to print order books sufficient to supply one to each district in the State.

SECTION 23. The general superintendence of all the free public schools in each of the counties of this State shall be vested in a superintendent of schools for each county.

On the second Tuesday in July, A. D., 1898, the Governor shall appoint one suitable person to Superintendent of Schools.

## OF FREE SCHOOLS.

for New Castle county, one suitable person to be Superintendent of Schools for Kent county, and one suitable person to be superintendent of Schools for Sussex county, whose terms of office shall expire on the second Tuesday in July, A. D., 1899. On the second Tuesday in February, A. D., 1899, the Governor shall appoint a suitable person to be Superintendent of Schools for each of the counties of the State, whose term of office shall be for two years, or until his successor is duly qualified, and such appointment be made bi-ennially thereafter, and whose duties shall begin on the second Tuesday of July following his appointment. He shall be entitled

**Salary.**

to a salary of one thousand dollars, payable quarterly, for each year that he continues to hold said office.

He shall be a person of good moral character and well qualified mentally and morally to perform the duties of his office. He must have had at least twenty months' experience as a teacher; must at the time of his appointment hold a certificate of graduation from some reputable college, or normal school, or an unexpired certificate of the highest grade granted to teachers in this State; and must become a resident of the county for which he is appointed, after such appointment, and must continue a resident therein during his term of office. He shall not, during his term of office, engage in any other profession or vocation; nor shall he have the right to constitute deputy or deputies to perform any of the duties herein assigned to him.

**Qualifications.****Duties.**

It shall be the duty of each of the said superintendents to advise with the teachers in all the free schools under his supervision, and to strive to assist them in their tasks; to see that improved methods of instruction and discipline are introduced in the schools, and to create a general interest in, and give a clearer knowledge to the people of his county, of schools and school systems. To this end, he shall visit each school in his county at least once in every year, each visit to be of at least two hours' duration; to attend at each stated meeting of the County School Commission of his county, and at each stated meeting of the State Board of Education, and make such report concerning his work and the condition of the schools as the said commission or State Board shall require. He shall execute all such reasonable orders as the State Board of Education shall give him; shall make the collection of and

## OF FREE SCHOOLS.

report concerning school statistics in his county, a special part of his work; and generally, shall do all matters and things proper and necessary for the interest and advancement of education in the free public schools of his county.

Each of said superintendents shall have power to suspend Powers. and withdraw any teacher's certificate upon his refusal to comply with the reasonable directions made to such teacher by the said superintendent, subject to the right of appeals as hereinbefore provided. He shall note in a book, to be kept Duties. for that purpose, the number of scholars, the condition of the school buildings, grounds and appurtenances, the qualifications of the teachers, the conduct and the standing of the scholars, the methods of instruction, and the discipline and government of each school; such book must be delivered by him at least once in every year to the County School Commission of his county, at one of its stated meetings, and to the State Board of Education at one of its stated meetings, for inspection and reference, and may be called for by either of said bodies at any time.

Each of said superintendents shall frame a set or sets of Examination questions. examination papers when and as often as he shall be directed so to do by the State Board of Education; and shall compile Text books. a list of text books when so directed by said State Board. He shall conduct the examinations of all teachers in his county; the time and place for such examination or examinations to be fixed by him in conformity with the directions of the State Board of Education, or, if no such directions be given, to be determined by said superintendent, having due regard to the convenience of the teachers and the schools; such examination to be free to all, *provided*, that separate Free examinations. examinations for applicants to teach in schools for colored children shall be maintained. He shall make and sign a Certificates. certificate to each person passing such examination as hereinafter provided; and he may countersign the certificate of a Counter-signing. a teacher made and signed by a County Superintendent in one of the counties of the State other than his own, which certificate so countersigned, shall entitle the holder to teach in his county; and shall hold and attend the Teachers' Institute. Teachers' Institute. in his county once in every year as hereinafter provided.

SECTION 24. Every person who is of good moral character, and who shall answer, at the examination given by the Requirements for

## OF FREE SCHOOLS.

profes-  
sional cer-  
tificate.

Superintendent for free schools as hereinbefore provided, ninety per centum of the questions asked in orthography, reading, writing, mental arithmetic, written arithmetic, geography, physiology and hygiene, with special reference to the effects of alcoholic stimulants and narcotics upon the human system, history of the United States, the Federal and State Constitutions, pedagogy, and English grammar; and seventy-five per centum of the questions asked in algebra, geometry, physics, natural philosophy and elements of rhetoric, and seventy-five per centum of the questions asked upon such other branches and subjects as the State Board of Education shall direct to be included in such examinations; shall receive from the superintendent a professional certificate, which shall be good for four years, unless sooner revoked as hereinbefore provided.

Require-  
ments for  
first grade  
certificate.

Every person who is of good moral character, and who shall in examination, answer ninety per centum of the questions asked in orthography, reading, writing, mental arithmetic, written arithmetic, geography, physiology and hygiene, with special reference to the effects of alcoholic stimulants and narcotics, upon the human system, history of the United States, the Federal and the State Constitutions, pedagogy and English grammar, and seventy-five per centum of all the questions asked on such other subjects or branches as the State Board of Education shall direct to be included in the examination; shall receive from the superintendent a first grade certificate, which shall be good for two years unless revoked as aforesaid.

Require-  
ments for  
second  
grade cer-  
tificate.

If any person shall fail to answer ninety per centum of the questions asked in the branches specified for first grade certificates, but shall answer at least seventy-five per centum thereof, and shall also answer seventy-five per centum of all the questions upon the other subjects or branches directed by the State Board as aforesaid, he shall receive from the superintendent a second grade certificate, which shall be good for one year, unless revoked as aforesaid.

Require-  
ments for  
provis'on-  
al certifi-  
cate.

Any person who shall fail to answer seventy-five per centum of all the questions upon all the branches or subjects necessary for second grade certificates, but shall answer at least sixty per centum thereof, shall receive from the superintendent a

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provisional certificate which shall be good for one year, unless revoked as aforesaid; *provided, however*, that not more than one such provisional certificate shall ever be issued to any one applicant or person.

Every teacher in the free public schools of the State, including those employed in incorporated districts, shall attend at each day's session of the Teachers' Institute held in the county in which he is employed, unless excused from so doing by the committee or Board of Education employing him, and no such excuse shall or may be given except for sufficient cause. No committee or Board of Education shall make any reduction or deduction in the salary of a teacher on account of absence from school while attending such institute.

Attendance at Institute.

Excuse.

No reduction in pay.

The salaries of teachers in the free public schools of the State shall be paid quarterly at least.

Salaries of teachers.

Every teacher in the free public schools in the State shall, annually, make and send to the State Board of Education, through any of its members, during the month of May in each year, a statement of the number of pupils in attendance in his school, and the number of full days in attendance by each pupil, and the number of children, according to his best estimate, residing in the district, over the age of four years, not attending any school whatever, how many full days the school in which he teaches has been open and ready for the instruction of pupils during the year, and how often, and for what length of time, the school was visited during the year by each member of the committee or Board of Education of the district, and by the county superintendent. Such statement shall be verified by the affidavit of the teacher making it, before any Justice of the Peace of the county; the fees of the Justice in such matter shall be a debt of the district, and shall be paid accordingly. In the case of graded schools, the principal alone may make the statement.

Annual report of teachers to Board of Education.

Affidavit to.

A copy of said statement shall also be transmitted by every school teacher as aforesaid and at the time aforesaid, to the County School Commission of the proper county, through any of its members.

Copy of report to county school commission.

It shall be the duty of the County School Commission, and also the State Board of Education, to report the neglect, omission or failure on the part of any teacher in any district,

Failure of teacher to report.



## OF FREE SCHOOLS.

including incorporated districts, to make the statement at the time and in the manner aforesaid, to the proper superintendent, and thereupon the said superintendent shall have the power, and it shall be his duty, to suspend the certificate of such teacher until a complete and correct statement as aforesaid shall have been made by such teacher.

Suspension.

In case any applicant for a certificate shall be refused one by the county superintendent on the ground that the said applicant has failed to answer the per cent. of the questions asked in the examination, as hereinbefore in this section provided, such applicant shall, if he desires to appeal to either the State Board of Education of the proper County School Commission, have the right to require that said superintendent shall exhibit a copy of the questions submitted at such examination, together with the answers given by said applicant, when such answers were written; *provided*, that the appeal be made at the stated meeting next following said examination.

Appeals of applicants for certificates.

Examination papers may be sent up.

SECTION 25. It shall be the duty of the superintendent of free schools for each county in the State, to hold in his county a Teachers' Institute for the teachers in the free public schools for white children under his supervision, at least once in every year, and of at least three days' session.

Teachers' Institute.

Appropriation for.

\$150 for each.

To defray the expenses of the said institute, the State Treasurer shall, upon the draft of the county superintendent, pay to the said superintendent, out of the general fund of the State, one hundred and fifty dollars to be expended by the said superintendent for the institute in his county, and for no other purpose.

Duties of superintendents.

It shall be the duty of the said superintendent to be present at each day's session of the institute in his county, and to do all in his power to inform the teachers under his superintendence, by his own advice and suggestions, and by the advice and suggestions of professional educators whose services he can secure, of the most improved and advanced systems of instruction and discipline.

Settlement with auditor.

Each of said superintendents shall, during the year, appear before the State Auditor and make settlement with him of all the moneys so expended by him for the institute in his county, and shall pay over to him all unexpended balances in his hands.

## OF FREE SCHOOLS.

The State Auditor shall issue to the County Superintendent for Kent county, in the month of October in every year a warrant for the payment of the sum of one hundred dollars for the support and maintenance of the Delaware Colored Teachers' State Institute. Colored Teachers' Institute. \$100 for.

The State Treasurer shall pay, out of the general fund of the State, to the said superintendent the said sum of one hundred dollars upon the presentation of the warrant of the State Auditor aforesaid. Payment.

The said superintendent for Kent county shall, out of the money so in his hands from the State appropriation, pay all accounts of the said institute certified to him as correct by the president and secretary thereof, the same having been first duly audited by the finance committee of the said institute; *provided*, that the said amount shall not exceed the said sum of one hundred dollars. Superintendent to pay bills.

As soon as possible after the close of the said institute, the said superintendent shall present his accounts and vouchers to the State Auditor for settlement and pay over any unexpended balance of said appropriation to the State Treasurer. Settlement with auditor.

SECTION 26. The State Auditor shall between the first day of July and the first day of September in each year, settle the accounts of all the school committees of the State. For this purpose, every such committee shall, under penalty of forfeiting to the district twenty-five dollars for neglect, appear with its accounts and vouchers before him when he shall attend in the county for that purpose, whereof he shall give notice. He may compel them, by attachment, to appear and settle. The settlement shall show how long school was kept in the district, the compensation of the teacher, and the number of scholars; the sum raised, the sum drawn, and the sum expended; all of which shall be stated in the Auditor's report to the General Assembly. Settlement of accounts of school committees. Penalty for failure. May compel them. What settlement must show.

In case any school committee shall have failed or neglected to make proper returns upon the blank forms furnished it by the State Board of Education, as provided in this act, or in case the schools in the districts for which the committee acts have not been kept open for the time specified in Section 15 When auditor shall refuse to settle.

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Consequence of refusal. of this act, the Auditor shall refuse to settle the accounts of such committee; and if, in consequence, settlement of any account shall not be made during his attendance for that purpose, the school committee shall incur the forfeiture by this Section provided, and there shall be the same liabilities and consequences as if it had failed to appear.

Notice of failure to settle or to account. If any committee shall fail to appear and settle with the Auditor, or if, on such settlement, it appears that it, or any of its members, has misapplied, or does not account for the money received by it, or with which it is chargeable, the Auditor shall make known the facts by letter, addressed to the chairman and secretary of the last stated meeting.

School Fund, how constituted. SECTION 27. The money appropriated by the General Assembly for the benefit of the free public schools, for each year, together with the income of the investments of the public school fund as it was constituted by law at the time of the passage of this act, shall constitute the school fund for the year.

Trustees of School Fund. Apportionment of fund. The State Treasurer shall, by virtue of and during the continuance of his office, be the trustee of the school fund, and shall annually in the month of September apportion said fund among the several counties of this State, and distribute each county's share of said apportionment among the school districts of the county; such apportionment and such distribution to be made in the manner and according to the same rules as prescribed and provided for the apportionment of the school fund by the laws of this State which were in force and operation at the time of the passage of this act, except special acts or parts of acts, referring to the distribution of the school fund to particular districts, and such laws so far as they affect the apportionment and distribution of the school fund, shall be, and are hereby continued in full force and operation; the amount appropriated by the General Assembly to be apportioned and distributed in the same manner as the fees for licenses, forming a part of the old school fund were apportioned and distributed prior to the passage of this act. *Provided, however,* that in the distribution of each county's share of said school fund, among the school districts of the county, no discrimination shall be made between the districts for white schools, and the districts for colored

OF FREE SCHOOLS.

schools to be created and laid out under the provisions of this act, but each of said districts for colored schools shall be deemed and taken by said Trustee of the School Fund to be on the same basis and entitled to the same provisions as any district for white schools in the same county. The distribution by the Trustee of the School Fund to several school districts as aforesaid, shall be in the following manner: He shall place the amount due the respective districts to the credit of the said respective districts in the Farmers' Bank of each of the counties in which the districts are severally situated; he shall then furnish the commissioners or Board of Education of each single, united and incorporated district with blank drafts, numbered consecutively, in the following form:

	No. . . . .	Form of
School District No. . . . .	County, Delaware.	
The Farmers' Bank of the State of Delaware pay to . . . .		
or order . . . dollars, being salary due the payee, as teacher,		
for the . . . . . ending the . . . day of . . . . A.D., 18 . . .		
Charge same to the account of School District No. . . . .		
County.		
\$ . . . . .		
. . . . .		
. . . . .		
Commissioners of District No. . .	County . . . . .	
. . . . .		
Clerk of District No. . . . .	County.	

The money thus deposited in the Farmers' Bank of the State of Delaware to the credit of the respective districts, shall be drawn out only upon the presentation of drafts as aforesaid, made payable to the teacher of the school of the district, signed by a majority of the commissioners or Board of Education, as the case may be, attested by the clerk of the district, and endorsed by the teacher to whose order it is made payable. Such drafts made by the commissioners as aforesaid, shall be for the salary due the teacher, and for no other purpose; but no teacher employed in any free school in any single district that is not incorporated in this State, shall be paid from the school funds of this State apportioned to the district and deposited as aforesaid, a salary exceeding thirty-five dollars per month.

Drawing fund.

Purposes of use.

Limit of salary.

## OF FREE SCHOOLS.

Trustee of  
fund to  
reappor-  
tion  
money left  
over in  
hands of  
districts.

It shall be the duty of the Trustee of the School Fund, in making the apportionment among the school districts as hereinbefore provided, in the month of September in every year to ascertain from the settlements of the State Auditor with the several districts of this State, made in the months of July and August preceding, as hereinbefore provided, the amount or amounts of money each district may have in hand that has been received from the State, and raised by taxation as required by this act, and is unexpended at the end of the school year next preceding. He shall then deduct and retain from the sums or apportionments to which such districts are respectively entitled in the distribution of the school fund of the State, amounts equal to that which, from the State Auditor's settlements aforesaid, appear to be respectively unexpended in the hands of the commissioners or clerks of the districts aforesaid, and place the balance of the apportionments or amounts to which the districts are respectively entitled as aforesaid to the credit of the said districts in the manner provided elsewhere in this act. *Provided, however,*

Proviso.

that should any district raise by taxation more money than that district is by this act required to raise in order to be entitled to receive its apportionment of the school fund aforesaid, such amount that is in excess of the amount required by this act to be raised by taxation as aforesaid, shall not be charged against or be deducted from the apportionment for such district, but the amount so in excess as aforesaid, shall be retained by the districts raising the same, to be therein applied. The amounts retained by the trustee of the school fund, and deducted as aforesaid from the apportionment of the districts having in hand money unexpended at the end of the year, in excess of the amounts required to be raised by taxation aforesaid, shall be by said trustee of the school fund placed to the credit of the county in which the districts having moneys unexpended as aforesaid are respectively situated, and be reappportioned among the districts of the county entitled thereto.

Disposi-  
tion of  
amounts  
deducted.

Amounts  
to be  
raised by  
taxation  
to entitle  
districts to  
fund.

No school districts in this State shall be entitled to share in the apportionment of the school fund for any year, nor shall the trustee of the school fund deposit any amount during the year to said district's credit, as hereinbefore provided, unless it shall appear from the settlement of the school com-

## OF FREE SCHOOLS.

mittee of such district with the Auditor then next preceding the time of such apportionment, that said district has raised by taxation or subscription, the sum of one hundred dollars, if said district is situated in either of the counties of New Castle or Kent, or sixty dollars, if said district is situated in the county of Sussex; in the case of districts for white schools, or fifty dollars if said district is situated in either of said counties of New Castle or Kent; or the sum of thirty dollars if said district is situated in said county of Sussex, in the case of districts for colored schools.

In New  
Castle Co.  
Kent Co.  
Sussex Co.

Colored  
schools.

SECTION 28. Nothing in this act shall be deemed or taken to prevent the re-appointment or re-election of any school officer mentioned in this act.

Re-ap-  
pointment  
or re-elec-  
tion of  
school  
officers.

SECTION 29. All the provisions of the school laws of this State which were in force and operation at the time of the passage of this act, providing penalties and forfeitures for the non-feasance, misfeasance or malfeasance of any person whomsoever, shall and are hereby continued in full force and operation so far as to apply to any such non-doing, mis-doing, or wrong-doing occurring prior to the passage of this act.

Provisions  
of laws  
continued  
in force.

SECTION 30. All the provisions of this act, where not inconsistent with the provisions of the several acts incorporating the respective incorporated districts in this State, shall apply to such incorporated districts in this State, shall apply to such incorporated districts; and where any provision of this act is expressly made applicable to incorporated districts, such provisions shall apply to such districts, whether inconsistent or not.

Laws ap-  
plicable to  
incorpor-  
ated dis-  
tricts.

SECTION 31. None of the provisions of this act shall be deemed or taken to affect or in anywise alter the rights, privileges and immunities belonging, at the time of the passage of this act, to the free schools in the City of Wilmington, including those for colored children in said city.

Not to af-  
fect Wil-  
mington  
schools.

SECTION 32. All acts and parts of acts vesting in the school committees, trustees or boards of education of certain particular school districts the power to raise and collect, without regard to any vote thereon, amounts in excess of those provided by this act, are hereby continued in full force and operation.

Certain  
laws con-  
tinued.

## OF FREE SCHOOLS.

SECTION 33. All acts and parts of acts inconsistent with this act are hereby repealed.

*Approved May 12, A. D. 1898.*

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CHAPTER 68.

## OF FREE SCHOOLS.

AN ACT to amend an Act entitled "An Act concerning the Establishment of a General System of Free Public Schools," passed at Dover, May 4th, 1898, approved, May 12th, 1898.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

SECTION 1. That the act entitled an act concerning the establishment of a general system of Free Public Schools, be and the same is hereby amended by striking out the words "in the district where he resides" where the same occurs in the third line of Section 13 of the enrolled copy of the said act.

Qualifica-  
tions of  
school  
voters.

SECTION 2. That the Secretary of State shall print the said act as the same is hereby amended.

*Approved May 20, A. D. 1898.*

## OF FREE SCHOOLS.

## CHAPTER 69.

## OF FREE SCHOOLS.

**AN ACT** to amend Chapter 369, Volume 16, Laws of Delaware, entitled a supplement to the Act entitled "An Act in relation to Free Schools," as found in Chapter 42, Page 339 of the Revised Code of 1893.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

SECTION 1. That Section 14 of said Chapter 369, Volume 16, Laws of Delaware, as found in Chapter 42, Page 339 of the Revised Code of 1893, be and the same is stricken out and the following Section inserted in lieu thereof :

"Section 14. That in the month of August next and annually thereafter, the State Treasurer, shall pay to the Superintendent of Free Schools of each of the counties of this State, the sum of one hundred and fifty dollars, the same to be applied towards the expenses of holding the Teachers' Institute of each of the respective counties, and shall be used for no other purpose whatever."

Appropriation  
for  
Teachers'  
Institute.

*Approved June 1, A. D. 1898.*



## OF FREE SCHOOLS.

## CHAPTER 70.

## OF FREE SCHOOLS.

**AN ACT to amend Chapter 423, Volume 20, Laws of Delaware, entitled "An Act to legalize and provide for the Support and Maintenance of the Delaware Colored Teachers' Institute."**

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

Appropriation  
for Delaware  
Colored  
Teachers'  
Institute.

SECTION. 1 That Section 2 of Chapter 423, Volume 20, Laws of Delaware be and the same is hereby amended by striking out all of said Section after the word "Institute" in the third line thereof and inserting in lieu of that portion of the Section thus stricken out the following, "A sum not exceeding one hundred dollars shall be annually appropriated for the purpose of carrying into effect the provisions of this Chapter."

SECTION 2. That Section 3 of said Chapter be amended by striking out the words "Said sum of one hundred dollars" in line four of said Section and inserting in lieu thereof the words "Sum annually appropriated."

*Approved March 17, A. D. 1898.*

OF FREE SCHOOLS.

CHAPTER 71.

OF FREE SCHOOLS.

**\*AN ACT to conform the Appointment of County Superintendents of Public Schools of this State to the Amended Constitution.**

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

SECTION 1. That upon the expiration of the terms of the present County Superintendents of the Public Schools of the respective counties of this State, the Governor shall appoint suitable persons until the second Tuesday in February in the year one thousand eight hundred and ninety-nine, and thereafter their successors in office shall be appointed for the term of two years, commencing on the second Tuesday in February, one thousand eight hundred and ninety-nine.

SECTION 2. All acts or parts of acts inconsistent herewith are hereby repealed.

*Approved March 1, A. D. 1898.*

*\*This act is repealed by Chapter, current Volume.*

## OF FREE SCHOOLS.

## CHAPTER 72.

## OF FREE SCHOOLS.

AN ACT authorising the Secretary of State to have Indexed and Printed in Pamphlet Form, the School Laws of this State.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

Secretary  
of State to  
have  
printed  
School  
Laws.

SECTION 1. That the Secretary of State be, and he is hereby authorized and directed immediately after the passage of this act, to cause one thousand copies of the act, passed at this present session of the General Assembly, entitled "An Act concerning the establishment of a General System of Free Public Schools," to be printed in a pamphlet form, together with a full and complete index thereto, and an appendix containing such forms and blanks as to him shall seem proper and necessary for the better understanding and execution of the provisions of said act by the school officers and citizens of this State, for distribution among the people of this State.

Cost.

Appropriation  
for.

Contract  
for printing.

SECTION 2. That the cost of printing the said pamphlets shall not exceed the sum of two hundred dollars, which sum, or so much thereof as may be necessary, is hereby expressly appropriated for that purpose out of any moneys in the State Treasury not otherwise appropriated; and shall be paid by the State Treasurer upon the order of the Secretary of State, setting forth the different items of expense of the printing of said pamphlets, *provided, however,* that the contract for said printing shall be awarded to the lowest responsible bidder therefor.

*Approved May 20, A. D. 1898.*

## OF FREE SCHOOLS.

## CHAPTER 73.

## OF FREE SCHOOLS.

AN ACT to authorize and empower the Board of Commissioners of School District No. 91, in Sussex County, to erect and construct an Additional Room to their School House, and to issue Bonds to an amount not exceeding Five Hundred Dollars in the aggregate to pay the Expenses of erecting and constructing such Additional School Room, and furnishing the same.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of all the members elected to each House of the General Assembly concurring):*

SECTION 1. That the Board of Commissioners of School District No. 91, in Sussex county, be and it is hereby authorized and empowered as soon as conveniently can be done after the passage of this act, to erect and construct an additional room to the school-house now owned and used by said school district No. 91, in Sussex county convenient and suitable for general school purposes.

School  
Dist. No.  
91 Sussex  
Co. to erect  
additional  
room.

SECTION 2. That the Board of Commissioners aforesaid, or a majority thereof, be and it is hereby authorized and empowered for the purpose of raising sufficient moneys to defray and pay the expenses necessarily incident to the erection and construction of such additional school room and furnishing the same, to make, execute and issue five bonds each of the denominations of one hundred dollars, bearing interest at a rate not exceeding six per centum per annum, redeemable and payable as follows, to wit: one bond at the expiration of one year from the date thereof, another bond at the expiration of two years from the date thereof, another bond at the expiration of three years from the date thereof, another bond at the expiration of four years from the date thereof, and the remaining and last bond at the expiration of five years from the date thereof. *Provided, however,* that the Board of Commissioners aforesaid shall have the right and privilege when the first or any subsequent one of the said bonds shall become due and payable to, pay off and redeem in addition to such bond then due and payable any one or more of said bonds with the interest then due thereon, said bonds shall be num-

Issue of  
bonds to  
pay for.

Terms of  
bonds.

When re-  
deemable.

Payment  
of bonds.

## OF FREE SCHOOLS.

Execution of bonds. Faith of District pledged.

bered from one to five inclusive and shall be in such form or forms as the Board of Commissioners aforesaid shall see fit and proper to adopt and use, and all of said bonds shall have coupons attached for the payment of interest, numbered to correspond with the bonds. The said bonds shall be signed by the President, Secretary and Treasurer of the Board of Commissioners aforesaid and shall have the seal of the corporation affixed, and the said coupons shall be signed by the Treasurer of the Board of Commissioners aforesaid. The faith of said School District No. 91, in Sussex county, is hereby expressly and irrevocably pledged for the payment of the principal and interest of said bonds.

Tax for paying bonds.

SECTION 3. That the Board of Commissioners aforesaid is hereby authorized, empowered and required to annually levy and collect an additional tax in said School District No. 91, in Sussex county, and at the same time that the tax is levied and collected for general school purposes, which shall be sufficient to pay the annual interest on said bonds, and also to create and establish a sinking fund sufficient to redeem and pay off the said bonds as they shall respectively become due and payable, or in case the Board of Commissioners aforesaid shall see fit and proper to exercise the right and privilege, provided for in Section 2 this act, to redeem and pay off in addition to the bonds then due and payable, any one or more of said bonds.

Sale of bonds. Sale not to be less than par value. Book for keeping account of bonds.

SECTION 4. That the President, Secretary and Treasurer of the Board of Commissioners aforesaid are hereby authorized and directed to negotiate the sale of the bonds to be made, executed and issued in accordance with the provisions of this act with the least possible delay after they shall have received the same, and shall receive a compensation or not for their services at the discretion of the Board of Commissioners aforesaid. The said bonds shall not be sold for less than their par value. The Treasurer shall procure a suitable book and before delivering the bonds shall register therein the name of each purchaser together with the number of bonds purchased in regular numerical order.

SECTION 5. That this act shall be deemed and taken to be a public act.

*Approved May 19, A. D. 1898.*

## OF REFORM SCHOOLS.

## CHAPTER 74.

## OF REFORM SCHOOLS.

AN ACT to amend the act entitled "An Act to incorporate the Ferries Reform School."

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met; (two-thirds of each branch thereof concurring):*

SECTION 1. That the act entitled "An Act to incorporate the Ferries Reform School," passed at Dover, March 10, 1885, be and the same is hereby amended, by striking out all of Section 8 of said act, and inserting in lieu thereof the following:

"SECTION 8. The Levy Court of New Castle county, shall provide and appropriate annually, the sum of one hundred dollars toward the maintenance and education of each boy committed to the custody of the Board of Trustees of the said School, under Section 5 of said act; so long as he may remain in said custody. This provision shall apply to all those who are now in the custody of the said Trustees, as well as to those who hereafter may be committed to their custody. The said Board of Managers, shall on or before the first day of March of each year, certify in writing to the Levy Court the number of boys so committed and still in their custody, on the first day of January of each year; which number so certified, shall govern the aggregate amount of the appropriation for the year in every case. *Provided*, the sum so appropriated shall not exceed the sum of five thousand dollars for any one year."

Provision  
for dis-  
cretionary  
appropri-  
ation  
struck  
out.

\$100 appro-  
priated  
annually  
for each  
boy.  
Object.

To whom  
to apply.

Certifica-  
tion of  
number  
of boys.

Limit of  
appropri-  
ation.

*Approved May 20, A. D. 1898.*

## OF INFECTIOUS DISEASES.

## CHAPTER 75.

## OF INFECTIOUS DISEASES.

AN ACT to amend Chapter 450, Volume 20, Laws of Delaware, entitled  
"Of infectious diseases."

*Be it enacted by the Senate and House of Representatives of  
the State of Delaware in General Assembly met :*

Warrants  
to be  
drawn on  
State  
Treasurer.

SECTION I. That Chapter 450, Volume 20, Laws of Delaware, be and the same is hereby amended by striking out after the word "the" in the thirteenth line and before the word "for" in the fourteenth line of Section 1, the words "fund appropriated by Section 9 of this act hereby amended" and inserting in lieu thereof the words "State Treasurer."

*Approved, March 17, A. D. 1898.*

## CHAPTER 76.

## OF INFECTIOUS DISEASES.

AN ACT to amend the Act entitled "An Act for the eradication of Infectious and Contagious Diseases among the lower animals," being Chapter 639, Volume 19, Laws of Delaware.

*Be it enacted by the Senate and House of Representatives of  
the State of Delaware in General Assembly met :*

Appropriation increased to \$1000.

SECTION I. That the act entitled "An Act for the eradication of Infectious and Contagious Diseases among the lower Animals," being Chapter 639, Volume 19, Laws of Delaware, be and the same is hereby amended by striking out the words "five hundred" in the third line of Section 9 of said act and inserting in lieu thereof the words "one thousand."

*Approved May 20, A. D. 1898.*

## TITLE SEVENTH.

Of the Poor ; the Insane ; Deaf and Dumb and the  
Blind.

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### CHAPTER 77.

#### OF THE INSANE.

**AN ACT** to amend an Act entitled "An Act in relation to the admission of insane Persons to the Delaware State Hospital at Farnhurst" being Chapter 644, Volume 19, Laws of Delaware.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

**SECTION 1.** That Chapter 644, Volume 19, Laws of Delaware, entitled "An Act in relation to the admission of insane persons to the Delaware State Hospital at Farnhurst" be and the same is hereby amended by striking out all of Section 7 of said act and inserting in lieu thereof as follows :

"And upon the commitment of any person to the said Hospital, the person so committed or any one person related to the person so committed within the third degree of consanguinity or any other three persons may present a sworn petition to the Chancellor at any time setting forth the time and manner of said commitment and that he or they verily believes or believe the person so committed to be a sane person and praying that a writ issue to the Sheriff of the county to determine whether the person so committed be a sane or an insane person, and the Chancellor shall thereupon forthwith make an order directing the Register in Chancery to forthwith issue a writ *de lunatico inquerendo* to the Sheriff of said county, commanding him within five days after the

Right of  
inquiry  
as to Sani-  
ty of per-  
sons com-  
mitted.  
  
Duty of  
Sheriff.



## OF THE INSANE.

Jury. service of the said writ to summon a Jury and have determined by said Jury whether the person so committed be a sane or an insane person, and make return of the same to the Chancellor within two days after the finding thereof by the jury. And if the finding of said Jury be that the person so committed be a sane person, the Sheriff shall forthwith make an order upon the Superintendent of said Hospital, and if he be absent upon any official of said Hospital commanding that the person therein committed be immediately released from said Hospital, and the commitment of any person to said Hospital shall not raise any presumption against the sanity of the person so therein committed. The provisions of this act shall enure to the advantage of persons already confined in said Hospital as well as to those who may hereafter be thereto committed.

Return of finding.

Order for release.

To whom to apply.

SECTION 2. All acts and parts of acts in any way inconsistent with this act or any of its provisions are hereby repealed.

*Approved May 5, A. D. 1898.*

## OF THE INSANE.

## CHAPTER 78.

## OF CONFIRMED DRUNKARDS.

**AN ACT providing for the admission of Confirmed Drunkards to Institutions for the cure of drunkenness.**

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

SECTION 1. That whenever any male person under the age of twenty-one years residing in this State, and any male person over the age of twenty-one years residing as aforesaid, and who lives with, and is dependent upon his parents for support and maintenance, shall be certified, as hereinafter provided, as being a confirmed drunkard ; it shall be lawful for the parent or parents, guardian or next friend of such person, to apply for and secure the admission of such person, with or without his consent, to any reputable institution for the cure of drunkenness either in this State or elsewhere.

Application for Admission of confirmed drunkards to institutions.

SECTION 2. The certificate of two reputable physicians countersigned by the resident Associate Judge of the county wherein such confirmed drunkard resides, that said person is a confirmed drunkard, and that he is under the age of twenty-one years, or that he is over the age of twenty-one years and lives with his parent or parents and is dependent upon them for support and maintenance, shall be good and sufficient evidence of the truth of such statements, and shall be a good and sufficient warrant for the parent, guardian or next friend of such confirmed drunkard, to call any peace officer of the county wherein he resides to assist in the conducting of such confirmed drunkard to any institution authorized by Section 1 of this act.

Physicians' certificate countersigning. Assistance of police officer

*Approved June 1, A. D. 1898.*

## OF THE INSANE.

## CHAPTER 79.

## OF IDIOTIC CHILDREN.

AN ACT to amend Chapter 53, Volume 12, Laws of Delaware, entitled "An Act to provide for the Idiotic Children of the State of Delaware."

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

Warrant  
on State  
Treasurer  
instead of  
Trustee of  
School  
Fund.

SECTION 1. That Section 3 of Chapter 53, Volume 12, Laws of Delaware, be and the same is hereby amended by striking out the words "Trustee of the School Fund" after the word "the" in the first line of said Section and before the word "in" in the second line of said Section and inserting in lieu thereof the words "State Treasurer."

Not  
charged to  
School  
Fund, &c.

SECTION 2. That Section 4 of said Chapter 53, Volume 12, be and the same is hereby further amended by striking out all of said Section after the word "drawn" in the second line thereof.

*Approved March 17, A. D. 1898.*

## OF THE INSANE.

## CHAPTER 80.

## OF IDIOTIC CHILDREN.

**AN ACT** to amend Chapter 53, Volume 12, Laws of Delaware, entitled "An Act to provide for the Idiotic Children of the State of Delaware," as the said Act has been amended.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

SECTION 1. That Chapter 53, Volume 12 of the Laws of Delaware, be and the same is hereby amended by striking out the words "Twenty-two hundred" in the seventh line of Section 2 thereof as said act is printed in the Revised Code and has been amended, and insert in lieu thereof the words "Twenty-four hundred."

SECTION 2. That the said act be and the same is hereby further amended by striking out all of Section 3 thereof, after the word "State" when it first occurs in the third line of said Section 3 and inserting in lieu thereof the following, "as shall be charged by said institution, not exceeding two hundred dollars for each pupil."

*Approved May 19, A. D. 1898.*

## OF THE INSANE.

## CHAPTER 81.

## OF IDIOTIC CHILDREN.

AN ACT to amend Chapter 456, Volume 20, Laws of Delaware, entitled "An Act to amend Chapter 53 of Volume 12, Laws of Delaware, as printed in the Revised Code at pages 387 and 388," relating to the admission of Indigent Imbicile Children of this State into the Pennsylvania Training School for Feeble Minded Children.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

SECTION 1. That Chapter 456, Volume 20, Laws of Delaware, entitled "An Act to amend Chapter 53 of Volume 12, Laws of Delaware, as printed in the Revised Code at pages 387 and 388," relating to the admission of indigent imbicile children of this State into the Pennsylvania Training School for Feeble Minded Children, be and the same is hereby amended by striking out the word "three" in the fourth line of Section 1 of said act, and inserting in lieu thereof the word "four," and by striking out the words "two thousand" in the sixth line of said Section 1 and inserting in lieu thereof the words "twenty-two hundred."

Number  
of pupils  
from each  
county in-  
creased to  
four.

Appropri-  
ation in-  
creased.

*Approved March 24, A. D. 1898.*

OF THE DEAF AND DUMB AND THE BLIND.

CHAPTER 82.

OF THE DEAF AND DUMB AND THE BLIND.

AN ACT to amend Chapter 838, Volume 19, Laws of Delaware, entitled "Joint Resolutions relating to the Indigent Blind, Deaf and Dumb, and Idiotic,"

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

SECTION 1. That Chapter 838, Volume 19, Laws of Delaware, entitled "Joint Resolutions relating to the indigent, blind, deaf and dumb and idiotic," be and the same is hereby amended by striking out at the end thereof the words "Trustee of the School Fund" and inserting in lieu thereof the words "State Treasurer."

*Approved, March 17, A. D. 1898.*

CHAPTER 83.

OF THE DEAF AND DUMB AND THE BLIND.

AN ACT to amend Chapter 58, Volume 15, Laws of Delaware, entitled "An Act for the Benefit of the Indigent Deaf and Dumb and Indigent Blind."

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

SECTION 1. That Section 3 of Chapter 58, Volume 15, Laws of Delaware, entitled "An Act for the benefit of the indigent deaf and dumb and indigent blind," be and the same is hereby amended by striking out the words "Trustees of the School Fund" in the second line of said Section and by inserting in lieu thereof the words "State Treasurer."

## OF THE DEAF AND DUMB.

Not to be  
charged to  
School  
Fund.

SECTION 2. That Section 5 of said Chapter 58, Volume 15, be and the same is hereby further amended by striking out all of said Section after the word "drawn" in the second line thereof.

*Approved March 17, A. D. 1898.*

## CHAPTER 84.

## OF THE DEAF AND DUMB.

AN ACT to amend Chapter 666, Volume 20, Laws of Delaware, entitled "Joint Resolution in relation to the Indigent Deaf and Dumb of this State, maintained by the Columbia Institution for the Deaf and Dumb at Washington."

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Payment  
from Gen-  
eral Fund  
instead of  
School  
Fund.

SECTION 1. That the said Joint Resolution be and the same is hereby amended by striking out all after the word "the" in the eighth line and inserting in lieu thereof the following "State Treasurer."

*Approved March 17, A. D. 1898.*

## TITLE EIGHTH.

### Of the General Police.

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#### CHAPTER 85.

##### OF GENERAL PROVISIONS RESPECTING THE POLICE.

**AN ACT to amend Chapter 271, Volume 12, Laws of Delaware, entitled "An Act to prevent illegal arrests in this State."**

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

SECTION 1. That Chapter 271, Volume 12, Laws of Delaware, be and the same is hereby amended by striking out the word "white" wherever it occurs in said Chapter.

Act to apply to colored as well as white.

*Approved March 1, A. D. 1898.*



## OF INNS AND TAVERNS.

## CHAPTER 86.

## OF INNS AND TAVERNS.

AN ACT to amend an Act entitled "An Act in relation to Inns or Taverns,"  
being Chapter 503, Volume 17, Laws of Delaware.

*Be it enacted by the Senate and House of Representatives of  
the State of Delaware in General Assembly met :*

Fraction-  
al Li-  
censes. SECTION 1. That Section 1 of Chapter 503, Volume 17,  
Laws of Delaware, be and the same is hereby amended by  
striking out all the words between the word "after" in the  
sixteenth line thereof and the word "provided" in the seven-  
teenth line thereof and substituting in lieu thereof the follow-  
ing words : "Such fractional license shall have been granted."

Refusal  
not to be  
for techni-  
cal rea-  
sons. SECTION 2. That said Section 1 of the above Chapter as  
amended and published in the Revised Code of 1893, be further  
amended by adding to the end of said Section 1 the following  
words : "provided such refusal shall not be for technical reasons  
only."

SECTION 3. That the provisions of this act shall be retro-  
spective and shall apply as well to those cases where persons  
have already failed to procure license as to those which may  
hereafter occur.

*Approved May 26, A. D. 1898.*

OF FISH, OYSTERS AND GAME.

CHAPTER 87.

OF FISH, OYSTERS AND GAME.

AN ACT to further protect Oysters in Broadkill River and Sound and in Mispillion River and in Leipsic River and Simons Creek.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

SECTION 1. That from and after the passage of this act it shall be unlawful for any person or persons in any one day to take, catch or carry away in any boat, cart or wagon, or vehicle of any kind whatever, from Broadkill River or Sound or Mispillion River or Leipsic River or Simons Creek more than twelve bushels of oysters for market or home consumption, and any person or persons having in his or their possession a quantity of oysters caught or taken from said rivers or sound exceeding twelve bushels on any one day shall be presumed to have caught them in one day and shall be deemed guilty of violating the provisions of this Section. Each and every person shall be prepared to tell the quantity of oysters that he has in his possession, when called upon. Each and every person who catches oysters for market shall pay a license of five dollars to the Collector of Oyster Revenue, which license shall be good for one year only. Any person or persons who shall violate this act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined twenty dollars and costs, and shall forfeit his boat, cart or wagon. The person or persons upon failure to pay said fine shall be imprisoned for a term of not less than twenty days nor more than thirty days in the County Jail. The boat, cart or wagon shall be sold to the highest bidder within ten days of the conviction of the owner thereof by the constable of the hundred, in which the case is tried. The prosecutor shall have one-half the fine, together with one-half of the proceeds of the sale of the boat, cart or wagon, the other half to be paid to the Collector of Oyster Revenue for the use of the State. The Justices of the Peace of Kent and Sussex counties shall be clothed with jurisdiction to hear and determine all violations of this act with power to enforce it.

Limit of number of bushels of oysters to be taken for home consumption.

Penalty for having more in possession

License.

Violation.

Penalty.

Failure to pay fine. Imprisonment.

Prosecutor to have half.

Justices' jurisdiction.

## OF FISH, OYSTERS AND GAME.

**SECTION 2.** That it shall be unlawful for any person or persons to catch any oysters whatever, at any season of the year, in Broadkiln River or Sound or in Mispillion River or in Leipsic River or Simons Creek for the purpose of planting the said oysters in the said rivers or sound or in any other place. Any person or persons violating this Section shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty-five nor more than fifty dollars. Upon failure to pay the fine he or they shall be committed to the County Jail for a term of not less than twenty days nor more than thirty days. The prosecutor to be paid one-half of the fine, the other half to be paid to the Collector of Oyster Revenue for the use of the State. The Justices of the Peace of Kent and Sussex counties are clothed with jurisdiction to hear and determine all violations of this act, with power to enforce the same.

Unlawful  
to catch  
for plant-  
ing.

Penalty.

Imprison-  
ment.

Share of  
fine to  
prosecu-  
tor.

Justices'  
jurisdic-  
tion.

License  
for catch-  
ing oys-  
ters for  
market.

Violation  
of law.

Penalty.

Imprison-  
ment.

Prosecu-  
tor's share  
of fine.

Justices'  
jurisdic-  
tion.

Dredging  
unlawful.

**SECTION 3.** That any person or persons who come into Broadkiln River or Sound or Mispillion River or Leipsic River or Simons Creek and living in their boat, vessels or shanties on the said rivers, creek or sound, for the purpose of catching oysters for market, and making a business of it during the oyster season, shall first pay a license of twenty dollars, and be compelled to show their license to any one who calls for it. Any person or persons who violate this Section shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty dollars nor more than forty dollars and costs. Upon failure to pay the fine he or they shall be committed to the County Jail for a term of not less than thirty nor more than forty days. The prosecutor to be paid one-half of the fine, the other half to be paid to the Collector of Oyster Revenue for the use of the State. The Justices of the Peace of Kent and Sussex counties are clothed with jurisdiction to hear and determine all violations of this act, with power to enforce it.

**SECTION 4.** That it shall be lawful for any person or persons to dredge for oysters with one handled rakes in Broadkiln River and Sound.

**SECTION 5.** That this act shall be deemed and taken to be a public act.

*Approved March 17, A. D. 1898.*

## OF FISH, OYSTERS AND GAME.

## CHAPTER 88.

## OF FISH, OYSTERS AND GAME.

AN ACT to amend Chapter 464, Volume 20, Laws of Delaware, entitled  
 "An Act for the protection of Oysters in Murderkill River and in St. Jones  
 River."

*Be it enacted by the Senate and House of Representatives  
 of the State of Delaware in General Assembly met :*

SECTION 1. That Chapter 464, Volume 20, Laws of Delaware be and the same is hereby amended by striking out all of Section 1 of said Chapter and substituting in lieu thereof the following :

"That from and after the passage of this act, it shall not be lawful for any person or persons to take or catch oysters from either Murderkill River or St. Jones River between the first day of April and the fifteenth days of September in any year. *Provided, however,* that any citizen of this State may between the first and fifteenth days of September inclusive in any year take or catch for his home use and consumption from either of the Rivers mentioned in this Section a quantity of oysters not exceeding five bushels in any one day and if any oysters so taken or caught agreeably to this provision shall be sold or offered for sale the person or persons so selling or offering them for sale shall incur the penalty provided in Section 3, Chapter 464, Volume 20, Laws of Delaware."

Time when unlawful to catch oysters.  
Proviso for home use.  
Unlawful to sell.

*Approved May 19, A. D. 1898.*

## OF DITCHES.

## CHAPTER 89.

## OF DITCHES.

AN ACT to amend Chapter 444, Volume 13, Laws of Delaware, being An Act concerning the Draining of Swamps and Low Grounds.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

SECTION 1. That Section 17 of Chapter 444, Volume 13, Laws of Delaware, be and the same is hereby stricken out, and the following substituted in lieu thereof :

Filling  
vacancies  
in ditch  
commis-  
sioner or  
manager.

"SECTION 17. That if any Commissioner or Manager appointed or elected under this Chapter shall die or be unable to act, the Associate Judge of the county in vacation shall appoint another in his place."

*Approved May 20, A. D. 1898.*

## OF ROADS.

## CHAPTER 90.

## OF ROADS.

## AN ACT relating to Roads in St. Georges Hundred.

WHEREAS, The Road Commissioners of St. Georges Hundred were authorized by Section 4, Chapter 118, Volume 18, Laws of Delaware, to give a bond or bonds for the debt then due from the said Road Commissioners which was done, and a bond given therefor, and

WHEREAS, it is not desirable that funds should be raised at the present time to pay off the obligation so given,

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

SECTION 1. That the Road Commissioners of St. Georges Hundred be and are hereby authorized to give a bond or bonds bearing not exceeding six per cent. interest binding on themselves and their successors to take up and pay off the bond so as aforesaid given by the Road Commissioners under the provisions of the act aforesaid.

New  
bond of  
RoadCom-  
mission-  
ers to pay  
old one.

*Approved May 25, A. D. 1898.*

## TITLE NINTH.

### Regulations Concerning Trade.

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#### CHAPTER 91.

##### GENERAL PROVISIONS RESPECTING TRADE.

##### **AN ACT** abolishing days of grace on negotiable paper.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met: .*

Days of  
grace  
abolished.

SECTION 1. That on and after the first day of July, A. D. 1898, no days of grace shall be allowed on notes, drafts, acceptances and bills of exchange made, drawn or accepted by any person or corporation, but the same shall be due and payable without days of grace.

SECTION 2. That all acts and parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed.

*Approved May 20, A. D. 1898.*

OF THE SALE AND INSPECTION OF BREAD STUFFS.

CHAPTER 92.

OF THE SALE AND INSPECTION OF BREAD STUFFS, &C.

AN ACT regulating the weight of bread sold in loaves by the Bakers or Manufacturers thereof and by other persons.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

SECTION 1. That all loaves of bread manufactured from wheat flour in whole or in part, sold or offered for sale in this State by the baker or manufacturers thereof or by any other person whether wholesale or retail shall weigh at least one pound avoirdupois weight. Loaves of bread to weigh one pound.

SECTION 2. If any baker or manufacturer of bread into loaves from wheat flour in whole or in part, or any other person shall in this State sell or offer to sell to any person any such loaf of said bread that shall weigh less than one pound avoirdupois weight he, she or they, or it shall be guilty of a misdemeanor and upon conviction thereof, shall forfeit and pay to the county wherein such sale or offer to sell is made, a fine of not less than five dollars, and not more than twenty-five dollars and upon default of the payment of said fine shall be imprisoned in the County Jail not exceeding thirty days. Sale of bread not weighing one pound. Penalty.

*Approved June 1, A. D. 1898.*



## TITLE TENTH.

### Of Corporations.

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#### CHAPTER 93.

##### OF CITIES AND TOWNS.

A further Additional Supplement to an Act entitled an Additional Supplement to an Act entitled an Act for the better regulation of the Streets of Delaware City and for other purposes passed at Dover, March 5, 1851.

WHEREAS, the mayor and commissioners of the City of Delaware City were authorized and empowered to *issue* their bonds as said mayor and commissioners of the said city to the amount of twenty-nine thousand dollars in such denominations as they should see best bearing interest at not more than ( $4\frac{1}{2}$ ) four and one-half per cent. per annum payable in a time not less than ten (10) years and not more than twenty years from the date of their *issue* and to provide for the payment of the interest on such bonds, to have power to raise annually by taxation of the persons and property within the limits of the City of Delaware City according to all acts in regard to the assessment and collection of taxes within the said City, such a sum as might be necessary for that purpose, and

WHEREAS, the amount of bonds outstanding and falling due July 1, 1899, is twenty-two thousand dollars and it is deemed expedient to lower the rate of interest on said bonds and also to provide a sinking fund for the extinguishment of said principal sum, now for that purpose,

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the legislature concurring therein):*

SECTION 1. That the Mayor and Commissioners of Dela-

## OF CITIES AND TOWNS.

ware City be and they are hereby authorized and empowered for the purpose of redeeming the *bonds* heretofore *issued* by the Mayor and Commissioners of Delaware City to *issue* the bonds of the said the Mayor and Commissioners of Delaware City under the corporate seal to the amount of twenty-two thousand dollars. The said new bonds to bear interest at not more than four (4) per cent. per annum. The said bonds to be payable in a time not less than five years and not exceeding thirty years from the date of their *issue* and to provide for the payment of the interest on said bonds. The said, The Mayor and Commissioners of Delaware City shall have power to raise annually by taxation of the persons and property within the limits of the City according to the various acts in relation to the assessment and collection of the taxes within the said City, such sum as may be necessary for this purpose and as the bonds to be redeemed are so redeemed they shall be *cancelled*

Mayor and commissioners of Delaware City to issue \$22,000 in bonds.  
Rate of interest.  
Time of payment.  
Taxation for payment of bonds.

SECTION 2. That the Mayor and Commissioners of Delaware City, "be further authorized and empowered to raise annually by taxation of the persons and property within the said city in the same manner as prescribed in Section 1, such sum of money, as shall amount to one-tenth of one per cent. on the whole assessment which shall constitute a sinking fund for the extinguishment and payment of the principal sum of twenty-two thousand dollars as the same may fall due or be payable, such annual sum so raised to be safely invested by the said Mayor and Commissioners of Delaware City until it shall be applied to the purposes specified in this Section, *provided, however*, that not less than five hundred dollars of the principal sum be paid and cancelled each and every year."

Sinking fund for payment of bonds.  
\$500 to be paid annually.

SECTION 3. The bonds provided for in the first Section of this act, shall be exempt from taxation of every kind and shall not be disposed of by the Mayor and Commissioners of Delaware City at less than their par value.

Exemption from taxation.  
To be sold at par.

*Approved, March 23, A. D. 1898.*

## OF CITIES AND TOWNS.

## CHAPTER 94.

## OF CITIES AND TOWNS.

**AN ACT** to amend an Act to incorporate the Town of Newport, passed at Dover, April 10, 1883, being Chapter 192, Volume 17, Laws of Delaware.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch concurring therein):*

Appropriation for streets, &c. increased to \$250.

**SECTION 1.** Amend Section 6 of Chapter 192, Volume 17, by striking out the words, "one hundred" in lines 31 and 32 of said Section and insert in lieu thereof the words, "Two hundred."

**SECTION 2.** That this act shall be deemed and taken to be a public act.

*Approved April 18, A. D. 1898.*

## CHAPTER 95.

## OF CITIES AND TOWNS.

**AN ACT** concerning Shows in the Town of Newark.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

**SECTION 1.** That Sections 1 and 2 of Chapter 51 of the Revised Code of the State of Delaware shall not hereafter apply to the Town of Newark.

Ordinances regulating shows, etc.

**SECTION 2.** The Council of Newark is hereby authorized to pass ordinances to regulate shows, exhibitions and public representations of all kinds within the Town of Newark, and to establish and receive for the use of the town all fees for licenses issued for the same.

*Approved May 5, A. D. 1898.*

## CHAPTER 96.

## OF CITIES AND TOWNS.

**AN ACT** authorising "The Commissioners of the Town of Middletown" to borrow Thirty-four thousand dollars to refund, at a lower rate of interest, the Indebtedness of the said Town.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each Branch of the Legislature concurring herein):*

SECTION 1. That "The Commissioners of the Town of Middletown" shall have power and authority under and by virtue of an ordinance to be passed by the said commissioners to borrow, on the faith and credit of the said town, the sum of thirty-four thousand dollars, for the purpose of refunding, at a lower rate of interest than that now paid, the indebtedness of the said corporation; and no part of the said sum of thirty-four thousand dollars shall be appropriated or be used otherwise than for retiring and renewing as aforesaid the indebtedness of the said town, as the same now exists.

\$34,000 to be borrowed for refunding debt.

Loan not to be used for other purposes.

*Approved April 7, A. D. 1898.*

## OF CITIES AND TOWNS.

## CHAPTER 97.

## OF CITIES AND TOWNS.

AN ACT to amend an Act entitled "An Act to incorporate the Town of Townsend," being Chapter 569, Volume 17, Laws of Delaware.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

Appropriation for roads and streets increased to \$300.

To be paid by collector of road taxes.

SECTION 1. That the act entitled "An Act to incorporate the Town of Townsend," be and the same is hereby amended by striking out the word "one" in the fourth line of Section 7 and inserting in lieu thereof the word "three," and by inserting after the word "order" in the fifth line of said Section the following: "on the collector of road taxes."

*Approved June 25, A. D. 1898.*

## CHAPTER 98.

## OF CITIES AND TOWNS.

AN ACT to amend Chapter 746, Vol. 19, of the Laws of Delaware, entitled, An Act to re-incorporate the Town of Dover, the Amendment to provide for a Change of the Amount of Taxes, now raised under the Charter of said Town.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each Branch of the Legislature concurring as follows):*

Amount raised by taxation increased to \$5 000.

SECTION 1. That Section 24 of Chapter 746, Volume 19, of the Laws of Delaware, be and the same is hereby amended by striking out the word "four" in the sixth line of said Section and inserting in lieu thereof the word "five."

*Approved May 19, A. D. 1898.*

## OF CITIES AND TOWNS.

## CHAPTER 99.

## OF CITIES AND TOWNS.

**AN ACT** to further amend an Act entitled "An Act to Re-incorporate the Town of Smyrna," passed at Dover, April 7th, 1897, changing the Time for holding the Municipal Election and prescribing Qualifications for Voters.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each House concurring therein):*

SECTION 1. That said act be and the same is hereby amended by striking out the words, "first Monday in March," wherever they occur in said act and inserting in lieu thereof the words, "last Monday in February." Date of  
Election  
changed.

SECTION 2. That said act be and the same is hereby further amended by striking out the word "April" in the fifty-third line of Section 3 of said act and inserting in lieu thereof the word "March." Date of  
meeting of  
Council  
changed.

SECTION 3. That Section 3 of said act be and the same is hereby amended by inserting between the words "months" and "shall" in the eleventh line thereof the words, "and which shall have been assessed within twelve months previous to the date of the election." Qualifica-  
tion of  
voters.

*Approved March 10, A. D. 1898.*

## OF CITIES AND TOWNS.

## CHAPTER 100.

## OF CITIES AND TOWNS.

AN ACT to amend Chapter 126, Volume 14, Laws of Delaware, entitled "An Act to incorporate the Town of Bridgeville," so that the limits of said Town shall be extended.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (with the concurrence of two-thirds of all the members elected to each House of the General Assembly):*

Limits of  
town ex-  
tended.

SECTION 1. That Section 8 of Chapter 126, Volume 14, Laws of Delaware, be and the same is hereby amended by striking out in third line of said Section the word "one-half," and substituting in lieu thereof the words "three-fourths of a."

*Approved June 25, A. D. 1898.*

## CHAPTER 101.

## OF CITIES AND TOWNS.

AN ACT to amend Section 23, Chapter 487, Volume 16, Laws of Delaware, being, "An Act to Re-incorporate the Town of Milton."

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of all the members thereof concurring therein):*

Amount  
raised by  
taxation  
increased  
to \$1,000.

SECTION 1. That Section 23, Chapter 487, Volume 16, Laws of Delaware, being "An Act to Re-incorporate the Town of Milton," passed at Dover, March 3d, 1881, be amended by striking out of the third line the words "two hundred" and inserting in lieu thereof the words "one thousand" in lieu thereof.

SECTION 2. This act shall be deemed and taken to be a public act.

*Approved March 24, A. D. 1898.*

## OF CITIES AND TOWNS.

## CHAPTER 102.

## OF CITIES AND TOWNS.

## AN ACT for the Improvement of the Town of Milton.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each Branch of the Legislature concurring):*

SECTION 1. That for the improvement of the streets, lanes, alleys and gutters of the town of Milton, and also for the purpose of improving and preserving the general health and sanitary condition of the said town, the "Council of Milton" be and they hereby are authorized and directed to borrow upon the credit of the said town, such a sum of money as may be deemed necessary by the said Council, or a majority of them not exceeding in the aggregate, four thousand dollars; and for such purposes may issue certificates of indebtedness, or may issue bonds of the said incorporated town of Milton, to no greater amount than four thousand dollars. The said certificates and bonds to bear interest at no more than (4) four per cent. per annum. The said certificates, bonds, or indebtedness to be paid or payable in a time not less than ten years and not exceeding twenty years, from the date of their issue, and to provide for the payment of the interest on said bonds or indebtedness the Council of Milton, already having power to raise annually by taxation, certain money ("not to exceed one thousand dollars") heretofore granted and enacted, that a certain part of said tax or taxes sufficient to pay the interest be taken from and applied to payment of said indebtedness.

Town  
Council to  
borrow  
money.  
Limit,  
\$4,000.  
How  
secured.  
Interest.  
Time of  
payment.  
Taxes to  
be applied  
to interest  
and in-  
debted-  
ness.

SECTION 2. *And be it further enacted,* That the Council now elected, and who shall hereafter be elected, shall at no time in and for any one year levy upon any assessment a tax for any more than that now is granted and allowed them to raise (namely one thousand dollars.) That there shall be appropriated and used for the cancelling and paying off the debt herein created a certain amount of not less than ten per centum of the borrowed or bonded indebtedness then outstanding.

Taxes not  
to be in-  
creased.  
Appro-  
priation  
to pay  
debt.



## OF CITIES AND TOWNS.

Sale of  
bonds.Applica-  
tion of  
proceeds.Execution  
of bonds.Exemp-  
tion from  
tax.Denomi-  
nation.

SECTION 3. That the said Town Council of Milton shall direct and effect preparation sale, delivery of the bonds authorized by this act at such time or times and on such terms as come within the provisions of this act they may deem expedient; but that all the money, the proceeds of such sale, shall be applied to carrying into effect the provisions of this act, and the said bonds, obligations, shall be signed by the president of Council and treasurer of the town of Milton, and sealed with the seal of the corporation, shall be exempt from State, county and municipal taxation and denominated Milton Improvement Bonds.

*Approved June 1, A. D. 1898.*

## CHAPTER 103.

## OF CITIES AND TOWNS.

AN ACT to amend an Act entitled, "An Act to incorporate the Town of Laurel," being Chapter 193, Volume 17, Laws of Delaware.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each Branch thereof concurring therein):*

Collectors  
to have  
powers of  
School tax  
collectors.Collection  
of delin-  
quent  
taxes.

SECTION 1. That the act entitled "An Act to incorporate the Town of Laurel," be and the same is hereby amended by striking out in the forty-first line of Section 5 of said act the word "County" and by inserting in lieu thereof the word "school," by inserting after the word "taxes" in the forty-second line of said Section the following: "and the collectors as aforesaid are hereby empowered, ordered and directed to collect any and all taxes as aforesaid which are delinquent and have not been paid for the years, eighteen hundred and ninety-six and eighteen hundred and ninety-seven."

SECTION 2. That this act shall be deemed and taken to be a public act.

*Approved March 17, A. D. 1898.*

## OF THE CITY OF WILMINGTON.

## CHAPTER 104.

## OF THE CITY OF WILMINGTON.

**AN ACT to further extend the Corporate Limits of the City of Wilmington.**

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch concurring therein):*

**SECTION 1.** That the boundaries of the City of Wilmington be further extended to include the territory bounded and described as follows:

Boundaries of Wilmington extended.

Beginning at the point where the southerly side of Lancaster avenue intersects with the Easterly side of Greenhill Avenue; thence North 58 degrees west, ten hundred and twenty (1020) feet more or less along said Southerly side of Lancaster Avenue extended to a point where the Westerly side of Cleveland Avenue intersects the said Southerly side of Lancaster Avenue extended; thence North 32 degrees East, along said side of Cleveland Avenue and parallel to Greenhill Avenue, nineteen hundred and ten (1910) feet more or less to the Southerly side of Seventh Street extended; thence South 58 degrees East, along said side of Seventh Street extended, nine hundred and sixty (960) feet more or less to the point where said side of Seventh Street extended intersects the Westerly side of Greenhill Avenue; thence North 32 degrees East along the Westerly side of Greenhill Avenue, two thousand and four hundred (2400) feet more or less to the Northerly side of the Kennett Turnpike Road; thence thereby Easterly sixty (60) feet more or less to the Easterly side of Greenhill Avenue; and thence South 32 degrees West, along said Easterly side of Greenhill Avenue, four thousand and three hundred feet (4300) more or less to the Northerly side of Lancaster Avenue and place of Beginning.

Territory included.

**SECTION 2.** Within the limits of the City of Wilmington extended by this act, the Mayor and Council of Wilmington shall be vested with all power, rights and privileges and immunities which before this time belonged to them as a Municipality.

City control and government extended to new territory.

## OF THE CITY OF WILMINGTON.

tory.      nicipal corporation, and all the laws, ordinances and regulations in force within the former City limits and not locally inapplicable, shall be extended and applied to the new territory comprised within the boundaries as set forth in the first Section of this act.

Subject to  
city taxa-  
tion.      SECTION 3. The real estate by this act added to and included within the City limits and all persons now or hereafter residing within said boundaries shall be subject to assessment for municipal taxes in the same manner and subject to the same rights, rules and restrictions as in other cases within said City.

Division  
of new  
territory  
among  
wards.      SECTION 4. All that portion of the new territory hereby added to the said City lying South of Sixth Street shall be a part of the Twelfth Ward thereof, all that portion lying between Sixth Street and Ninth Street shall be a part of the Fifth Ward thereof, and all that portion lying north of Ninth Street shall be a part of the Seventh Ward thereof.

*Passed at Dover, May 25th, 1898.*

*Approved June 9, A. D. 1898.*

## OF THE CITY OF WILMINGTON.

## CHAPTER 105.

## OF THE CITY OF WILMINGTON.

**AN ACT to classify certain lands within the City of Wilmington for the purposes of Municipal Taxation.**

WHEREAS, Section 1 of Article 8 of the Amended Constitution of the State of Delaware, provides that "all taxes shall be uniform upon the same class of subjects within the territorial limits of the authority of levying the tax" and

WHEREAS, There is within the territorial limits of the City of Wilmington a large amount of farm lands, rural and suburban property which receives little or no benefit from being within the corporate limits of said City, a large portion of which property was brought into the City under acts relieving it from full taxation and many of the limitations of said acts have not yet expired, and

WHEREAS, It would be unjust and inequitable to subject those properties to the burden of full taxation, therefore

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch concurring therein):*

SECTION 1. That from and after the passage of this act it shall be the duty of the assessor of each of the assessment districts of the City of Wilmington, after he has completed his assessment to mark in his assessment book opposite the property of each taxable used for farming or agriculture purposes lying and being in portions of the City undeveloped, or opposite any real estate of a taxable lying and being in portions of the City undeveloped, the word "rural", and that upon property so returned there shall be assessed and collected one-half of the rate of City taxation for both City and school purposes that shall be assessed and collected upon other real estate within the said City.

Assessors  
to design-  
ate classes  
of  
property.

Rate of  
taxation.

SECTION 2. This act shall take effect at once and remain in force ten years.

*Approved April 5, A. D. 1898.*

## OF THE CITY OF WILMINGTON.

## CHAPTER 106.

## OF THE CITY OF WILMINGTON.

**AN ACT to classify Real Estate for the purposes of Municipal Taxation, and to exempt certain lands from Municipal Taxation within the City of Wilmington.**

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch concurring therein) :*

**SECTION 1.** It shall be the duty of the Board of Assessment, Revision and Appeals, in the City of Wilmington, as at present constituted, immediately after the annual assessment is made in each year for city and school purposes in said City, to classify the real estate so assessed in such a manner as to discriminate between the rural or suburban, and built up portion of said City ; and they are hereby required to certify to the Council of said City, on or before the first day of June in each year, the valuation of the built up portions and the valuation of the rural or suburban property respectively ; and it shall be the duty of the Council in determining the rate of taxation for each year to levy a tax upon said rural or suburban property equal to one-half of the highest rate of tax required to be levied for said year ; so that upon the real estate assessed in said City there shall be two rates of taxation.

**During the sittings of said Board of Assessment, Revision and Appeals in the month of April of each year any person interested shall be privileged to appeal to said Board as to the classification of any real estate under this act and it shall be the duty of said Board to hear such appeal and to determine the same according to justice and right.**

**SECTION 2.** It shall be the duty of the Assessors of said City to make assessments of property in conformity with the provisions of this act and to designate on their respective assessment lists the class in which such property shall be rated.

**SECTION 3.** That all marsh and meadow lands within the

## OF THE CITY OF WILMINGTON.

limits of the City of Wilmington that are protected from overflow by the tides by banks at the expense of the owners thereof, whereon no houses or buildings are erected, be and the same are hereby declared to be exempt from all taxes, assessments, burdens or impositions whatsoever for municipal purposes.

SECTION 4. That any marsh or meadow land, as aforesaid which has been filled in, or which may hereafter be filled in or raised above highwater, so as to become high and fast land; the expense of the same being borne by the owner, shall be exempt from all taxes, assessments, burdens or impositions whatsoever for municipal purposes for a period of ten years from the time said lands become high and fast lands.

SECTION 5. That any marsh or meadow land, as aforesaid upon which any manufacturing establishment or industrial improvement, for the employment of labor, shall be erected after the passage of this act shall for a period of ten years after the same shall be erected, be exempt from all taxes, burdens, assessments or impositions whatsoever for municipal purposes.

SECTION 6. That any marsh or meadow land, as aforesaid or where the same has been filled in or raised, as aforesaid, so as to become fast and high land, upon which any manufacturing establishment or industrial improvement, for the employment of labor has been erected within two years prior to the passage of this act, or which may hereafter be erected, shall, for a period of ten years after the passage of this act, be exempt from all taxes, assessments, burdens or impositions whatsoever for municipal purposes.

SECTION 7. That all acts or parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed, and especially an act passed at the present session of the General Assembly entitled "An Act to classify certain lands within the City of Wilmington for the purposes of Municipal Taxation."

*Approved May 20, A. D. 1898.*

## OF THE CITY OF WILMINGTON.

## CHAPTER 107.

## OF THE CITY OF WILMINGTON.

**AN ACT** authorizing the House Sergeant on duty as such at the Police Station in the City of Wilmington to issue Warrants of Arrests in Certain Cases.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each Branch concurring herein):*

House  
sergeant  
to issue  
warrants  
and ad-  
minister  
oaths.

Form and  
manner of  
issue, &c.

SECTION I. That in the absence from his office, of the Clerk of the Municipal Court of the City of Wilmington, the House Sergeant on duty as such at the Police Station in the said City of Wilmington, is hereby authorized and empowered to issue under his hand and seal a warrant or warrants for the arrests of any person or persons charged, on oath or affirmation before him, to be guilty of any offence or crime within the jurisdiction of said Municipal Court (which oaths or affirmations the said House Sergeant is hereby authorized and empowered to administer.) Warrants issued as provided in this Section shall be in the same form, directed in the same manner, confer the same authority and immunity upon the officer or officers executing the same, returned in the manner and in all respects as lawful and effectual as if the said warrants had been issued by the Clerk of the Municipal Court aforesaid.

*Approved June 9, A. D. 1898.*

OF THE CITY OF WILMINGTON.

CHAPTER 108.

OF THE CITY OF WILMINGTON.

**AN ACT** authorizing the House Sergeant on duty as such at the Police Station in the City of Wilmington to take bail in Certain Cases.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch concurring herein) :*

SECTION 1. That in the absence, from his office, of the Clerk of the Municipal Court, of the City of Wilmington, the House Sergeant on duty as such at the Police Station in said City of Wilmington shall have power and authority to fix the amount of, approve, receive and take bail, in bailable cases, for the appearance of any person or persons, under arrest or detention, at the then next ensuing session of said Municipal Court, bail bonds taken as authorized by this act shall be as binding, effectual and subject to the same liability and proceedings as if the same had been taken by said Clerk of the Municipal Court.

The said bail bonds shall at the session of said Municipal Court next ensuing the taking of the same as aforesaid, be filed with the clerk of said court.

*Passed at Dover, May 27th, 1898.*

*Approved this the ninth day of June, A. D. 1898.*



## OF THE CITY OF WILMINGTON.

## CHAPTER 109.

## OF THE CITY OF WILMINGTON.

AN ACT to amend an Act entitled "An Act to revise and consolidate the Statutes relating to the City of Wilmington," being Chapter 207, Volume 17, Laws of Delaware, and Acts amendatory thereof and to increase the Annual Appropriation by the City Council of the City of Wilmington to the Phoenix Fire Company, No. 4, of Wilmington, Delaware.

WHEREAS, The Phoenix Fire Company, No. 4, of Wilmington, Delaware, has now and has, since the first day of December, A. D. 1897, had in service in the said City of Wilmington, a Steam Fire Engine, a Hose Carriage, a Hook and Ladder Truck, and a combined Chemical Fire Engine, and

WHEREAS, In the judgment of the City Council of the said City of Wilmington the amount heretofore appropriated by said City Council to said company, being thirty-five hundred dollars per annum, is insufficient as the said City's just proportion to be paid for the proper maintenance of all said instruments and appliances, therefore,

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of the members of each Branch thereof therein concurring):*

Certain  
acts ap-  
propriat-  
ing money  
to Phoenix  
Fire Co.,  
No. 4, re-  
pealed.

SECTION 1. That Section 68 of Chapter 207, Volume 17, Laws of Delaware, being an act entitled "An Act to revise and consolidate the statutes relating to the City of Wilmington, passed at Dover, April 13th, 1883, and all acts amendatory thereof and thereto, especially Chapter 177, Volume 18, Laws of Delaware, passed at Dover, February 18th, 1887, Chapter 95, Volume 20, Laws of Delaware, passed at Dover, April 13th, 1895, and Chapter 549, Volume 20, Laws of Delaware, passed at Dover, February 25th, 1897, in so far as it, they, or any of them may relate to appropriations of money by the City Council of the said City of Wilmington to the Phoenix Fire Company, No. 4, of Wilmington, Delaware, be and the same are hereby expressly repealed.

Appro-  
priation of  
\$5,000.

SECTION 2. That from and after the first day of July, A. D. 1898, there shall be appropriated by the City Council of

## OF THE CITY OF WILMINGTON.

the said City of Wilmington for, and the Mayor and Council of said City of Wilmington be and are hereby authorized and directed to pay to the said Phoenix Fire Company, No. 4, of Wilmington, Delaware, the sum of five thousand dollars per annum, to be paid semi-annually in sums of twenty-five hundred dollars in the months of March and September.

How paid.  
When  
paid.

SECTION 3. All acts inconsistent herewith or contrary hereto are hereby repealed, and this act shall be deemed and taken as a public act.

*Approved June 9, A. D. 1898.*

# TITLE TWELFTH.

## Of Titles to Real Property.

### CHAPTER 110.

#### OF TITLES TO REAL PROPERTY.

AN ACT to make valid the record of Certain Deeds.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

Record of  
Deed prior  
to Jan. 1,  
1895, valid  
notwith-  
standing  
defective  
acknowl-  
edgment.

Record  
and copy  
evidence.

SECTION 1. That the record of any deed dated prior to the first day of January, A. D. 1895, and which was duly signed and sealed by the parties therein named as grantors, notwithstanding said deed had not been properly acknowledged, or the private examination of any married woman, party thereto or the said acknowledgment or private examination, had not been taken and certified in conformity with the requirements of the laws of this State in force at the time of its execution, shall be and the same is hereby made valid and effectual in law as if said deed had been correctly acknowledged and certified, and the said record, or any office copy thereof, shall be admitted as evidence in all courts of this State, and shall be valid and conclusive evidence, as if said deed had been in all respects acknowledged and the acknowledgment certified in accordance with the then existing law.

*Approved April 28, A. D. 1898.*

# TITLE FOURTEENTH.

## Of Courts of Justice.

### CHAPTER III.

#### OF COURTS OF JUSTICE.

**AN ACT** to amend all Acts of the General Assembly of this State relating to Courts of Justice, and to conform them to the Amended Constitution.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

SECTION 1. That the words "Court of Errors and Appeals," wherever they occur in any act of the General Assembly of this State, shall be stricken out, and the words "Supreme Court" inserted in lieu thereof, and also that the words "Court of General Sessions of the Peace and Jail Delivery," wherever they occur in any act as aforesaid shall be stricken out, and the words "Court of General Sessions" inserted in lieu thereof. That the laws of this State shall hereafter be read and construed, according to the foregoing amendments, and in any edition of the said laws hereafter to be published, they shall be printed as amended by this act.

Name of  
Supreme  
Court and  
Court of  
General  
Sessions of  
Peace and  
Jail De-  
livery  
changed.

SECTION 2. All acts or parts of acts of the General Assembly of this State, in force on the fourth day of June in the year one thousand eight hundred and ninety-seven, relating to the Court of Errors and Appeals, shall be applied and extended to the Supreme Court, established by the Amended Constitution of this State; and all acts or parts of acts as aforesaid, relating to the Superior Court, shall be applied and extended to the Superior Court established by the Amended Constitution; and all acts or parts of acts as aforesaid, relating to the Court of Chancery, shall be applied and extended to the Court of Chancery, established by the Amended Constitution; and all acts or parts of acts as aforesaid, relating

Laws ap-  
plicable to  
new courts

## OF COURTS OF JUSTICE.

to the Orphans' Court, shall be applied and extended to the Orphans' Court established by the amended Constitution ; and all acts or parts of acts as aforesaid relating to the Court of Oyer and Terminer, shall be applied and extended to the Court of Oyer and Terminer, established by the amended Constitution ; and all acts or parts of acts as aforesaid, relating to the Court of General Sessions of the Peace and Jail Delivery, shall be applied and extended to the Court of General Sessions, established by the amended Constitution ; and all acts or parts of acts as aforesaid, relating to the Register's Court, shall be applied and extended to the Register's Court, established by the amended Constitution.

Laws in  
conflict  
with Con-  
stitution  
void.

*Provided, however,* that any of the provisions of any of the said acts or parts of acts which are in conflict or inconsistent with any of the provisions of the amended Constitution or of this act shall be void.

Powers &  
author-  
ities vest-  
ed in  
Judges.

SECTION 3. That all the powers and authorities conferred by any act or parts of acts of the General Assembly of this State, upon the Chancellor, Chief Justice or any one of the Judges of the Court of Errors and Appeals, Superior Court, Orphans' Court, Court of General Sessions of the Peace and Jail Delivery, or of the Court of Oyer and Terminer either in term time or in vacation, shall be and are hereby vested in and conferred upon the Chancellor, Chief Justice, or any one of the Judges of the Supreme Court, Superior Court, Orphans' Court, Court of General Sessions, or the Court of Oyer and Terminer respectively, as established by the amended Constitution of this State. *And provided, further,* that no special session of the Supreme Court, as provided for by an act entitled "An Act in relation to special sessions of Courts of Justice," passed at Dover, April 10, 1895, being Chapter 775, Volume 19, Laws of Delaware, shall be called or convened prior to the third Tuesday of June, A. D. (1898) eighteen hundred and ninety-eight.

No special  
session of  
Supreme  
Court to  
be held  
prior to  
third  
Tuesday  
of June,  
1898.

*Approved March 1, A. D. 1898.*

## OF COURTS OF JUSTICE.

## CHAPTER 112.

## GENERAL PROVISIONS.

**AN ACT** fixing the Compensation of the Chancellor, Chief Justice and Associate Judges; and repealing certain other Acts.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. The Chancellor, Chief Justice and Associate Judges shall respectively receive from the State, as compensation for their services, the following salaries, which are hereby fixed and established, that is to say. The annual salary of the Chancellor shall be the sum of thirty-eight hundred dollars; the annual salary of the Chief Justice shall be the sum of thirty-eight hundred dollars and the annual salaries of the Associate Judges shall be the sum of thirty-six hundred dollars each. The said salaries shall commence on the day of the date of the commissions, respectively, and shall be payable quarterly. Salaries of Judges.

SECTION 2. There shall be paid an additional compensation to the Chancellor of two hundred dollars per annum, for reporting the decisions of the Court of Chancery and the Orphans' Court of the respective counties of this State; and also an additional compensation to the Associate Judge resident in Kent county of two hundred dollars per annum for reporting the decisions of the Supreme Court and also the decisions of the Superior Court, Court of General Sessions and the Court of Oyer and Terminer of the respective counties of the State. Additional compensation for reporting.

SECTION 3. All provisions of any act, inconsistent with this act, and also all acts and parts of acts providing for the payment of any compensation to the Chancellor, or any other of the members of the Judiciary either as salary, or as a per diem allowance, except as herein provided, be and the same are hereby repealed. Per diem abolished.

*Approved March 10, A. D. 1898.*

## OF COURTS OF JUSTICE.

## CHAPTER 113.

## GENERAL PROVISIONS.

**AN ACT providing Seals for the Courts of this State.**

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

Seals of  
old courts  
to be used  
in new  
courts.  
Supreme.

Superior.

SECTION 1. That the seal of the Court of Errors and Appeals in use on the fourth day of June in the year one thousand eight hundred and ninety-seven, shall be taken and deemed to be the seal of the Supreme Court established by the Amended Constitution of this State, and may and shall be made use of and affixed to all writings, papers and copies to which the seal of office ought to be affixed. The seals of the Superior Court for the several counties in this State in use as aforesaid, as the seals of that court in the said several counties, shall be taken and deemed to be the seals of the Superior Courts in said counties respectively ; as established by the said Amended Constitution, and may and shall be made use of and affixed to all writings, papers and copies to which the seal of office ought to be affixed.

General  
Sessions.

Oyer and  
Terminer.

The seals of the Courts of General Sessions of the Peace and Jail Delivery for the several counties in this State in use as aforesaid, as the seals of that court in the said several counties, shall be taken and deemed to be the seals of the Court of General Sessions, in said counties respectively, as established by the said Amended Constitution, and may and shall be made use of and affixed to all writings, papers and copies to which the seal of office ought to be affixed. The seals of the Court of Oyer and Terminer for the several counties in this State, in use as aforesaid, as the seals of that court in the said several counties, shall be taken and deemed to be the seals of the Court of Oyer and Terminer in said counties respectively, as established by said Amended Constitution, and may and shall be made use of and affixed to all writings, papers and copies to which the seal of office ought to be affixed.

## OF COURTS OF JUSTICE.

The seals of the Court of Chancery for the several counties <sup>Chancery.</sup> in this State, in use as aforesaid, as the seals of that court, in the said several counties, shall be taken and deemed to be the seals of the Court of Chancery, in said counties respectively, as established by said amended Constitution, and may and shall be made use of and affixed to all writings, papers and copies to which the seal of office ought to be affixed.

The seals of the Orphans' Court for the several counties in <sup>Orphans'.</sup> this State, in use as aforesaid, as the seals of that court, in said several counties, shall be taken and deemed to be the seals of the Orphans' Court, in the said counties respectively, as established by the said amended Constitution, and may and shall be made use of and affixed to all writings, papers and copies to which the seal of office ought to be affixed.

The seals of the Register's Court for the several counties in <sup>Register's.</sup> this State, in use as aforesaid, as the seals of that court in the said several counties, shall be taken and deemed to be the seals of the Register's Court, in the said counties respectively, as established by the said amended Constitution, and may and shall be made use of and affixed to all writings, papers and copies to which the seal of office ought to be affixed.

SECTION 2. The provisions contained in this act shall <sup>How long to con-</sup> continue and be in force, until new seals shall be provided by <sup>tinue.</sup> law for the said courts.

*Approved March 1, A. D. 1898.*



## OF COURTS OF JUSTICE.

## CHAPTER 114.

## GENERAL PROVISIONS.

**An Act concerning the Seals of the Courts.**

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Seals es-  
tablished.

Chancery.

Superior.

Oyer and  
Terminer.

Orphans'  
Court of  
Sussex Co.

Secretary  
of State to  
procure  
new seals  
for Or-  
phans'  
Court of  
New Cas-  
tle and  
Kent Cos.

SECTION 1. That the seal of the Court of Chancery now used in the respective counties of this State, shall be taken, adjudged and deemed the seal of the Court of Chancery, established by the amended Constitution of this State, and may and shall be made use of, and affixed to all writings, papers, and copies, to which a seal of office ought to be affixed; and that the seal of the Superior Court now used in the respective counties of this State, shall be taken, adjudged and deemed the seal of the Superior Court, established by the amended Constitution of this State, and may and shall be made use of, and affixed to all writings, papers and copies, to which the seal of office ought to be affixed; and that the seal of the Court of Oyer and Terminer now used in the respective counties of this State, shall be taken, adjudged, and deemed the seal of the Court of Oyer and Terminer of the respective counties established by the amended Constitution of this State, and may and shall be made use of and affixed to all writings, papers, and copies, to which the seal of office ought to be affixed.

SECTION 2. That the seal of the Orphans' Court, used in Sussex county shall be taken, adjudged and deemed the seal of the Orphan's Court of Sussex county, established by the amended Constitution of this State, and may and shall be made use of and affixed to all writings, papers, and copies, to which the seal of office ought to be affixed.

SECTION 3. That the Secretary of State shall be and he is hereby authorized to procure as soon as he conveniently can, a new seal for the Orphans' Court of New Castle county, and a new seal for the Orphans' Court of Kent county; each of said seals to be of the same size, and with the same device as the seal now in use in the Orphans' Court of Sussex coun-

## OF COURTS OF JUSTICE.

ty; there shall be engraven upon the seal for New Castle county, the words "Orphans' Court, New Castle County, Delaware"; and upon the seal for Kent county, the words "Orphans' Court, Kent County, Delaware"; the said seals to be by the said Secretary of State delivered to the Clerk of the Orphans' Court of the respective counties of New Castle and Kent, and shall be taken, adjudged and deemed the seal of the Orphans' Court of the counties of New Castle and Kent respectively, established by the amended Constitution of this State and may and shall be made use of and affixed to all writings, papers, and copies, to which the seal of office ought to be affixed. And when the new seals shall be procured and delivered to the Clerk of the Orphans' Court of the counties of New Castle and Kent respectively, the said clerks shall cause the seals heretofore used, as the seals of the Orphans' Court of the said counties of New Castle and Kent, to be broken and destroyed in the presence of the Sheriff of each of the said counties.

Device  
and in-  
scription.

Old seals  
to be  
broken.

SECTION 4. That the Secretary of State shall be and he is hereby authorized to procure as soon as he conveniently can, a new seal for the Supreme Court of the State of Delaware, the said seal to be of the same size, with the same device as the seal formerly used by the Court of Errors and Appeals, and shall have engraved thereon the words, "Seal of the Supreme Court," Delaware, the said seal shall be delivered by the said Secretary of State to the clerk of the Supreme Court, and shall be taken, adjudged and deemed to be the seal of the Supreme Court of the State of Delaware, established by the amended Constitution of this State, and may and shall be made use of and affixed to all writings, papers, and copies, to which the seal of office ought to be affixed.

Seal for  
Supreme  
Court.

Device  
and in-  
scription.

And when the new seal shall be procured and delivered to the clerk of the Supreme Court as aforesaid, the said clerk shall cause the seal of the Court of Errors and Appeals, which has heretofore been temporarily used as the seal of the "Supreme Court" to be broken and destroyed in the presence of the Sheriff of Kent county.

Old seal  
to be  
broken.

SECTION 5. That the Secretary of State shall be and he is hereby authorized to procure as soon as he conveniently can, a new seal for the Court of General Sessions of the

Seals for  
Court of  
General  
Sessions.

## OF COURTS OF JUSTICE.

Device. respective counties of this State ; the said seal to be of the same size and with the same device as the seal formerly used in the respective counties of this State, as the seal of the Court of General Sessions of the Peace and Gaol Delivery ; and three

Inscription. shall be engraven upon the seal for New Castle county the words "Court of General Sessions, New Castle County" ; upon the seal for Kent county the words, "Court of General Sessions, Kent County" ; and upon the seal for Sussex county the words, "Court of General Sessions, Sussex County" ; the said seals to be by the said Secretary of State delivered to the Clerk of the Peace of the respective counties of this State, and shall be taken, adjudged and deemed the seal of the Court of General Sessions of the respective counties of this State, established by the amended Constitution of this State, and may and shall be made use of and affixed to all writings, papers, and copies to which the seal of office ought to be affixed.

Old seals to be broken. And when the new seals shall be procured and delivered to the Clerk of the Peace of the respective counties of this State, the said clerks shall cause the seals heretofore used as the seals of the Court of General Sessions of the Peace and Gaol Delivery in the respective counties of this State, to be broken and destroyed in the presence of the Sheriff of each of the said counties.

\$150 appropriated for.

Account of expenditure.

SECTION 6. That the State Treasurer shall pay to the said Secretary of State to defray the expenses of procuring and purchasing said seals the sum of one one hundred and fifty dollars, and that the said Secretary of State shall lay before the legislature at its next session, an account of his expenses in procuring and purchasing said seals, which said account when adjusted and allowed by the legislature, shall be deducted from the said sum of one hundred and fifty dollars, and the balance, if any remaining, shall be refunded by the said Secretary of State to the State Treasurer.

*Approved March 17, A. D. 1898.*

## OF COURTS OF JUSTICE.

## CHAPTER 115.

## GENERAL PROVISION.

AN ACT to provide for a Stenographer for certain Courts of the State.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

SECTION 1. That there shall be attached to the Superior Court, the Court of Oyer and Terminer and the Court of General Sessions of this State, an additional officer, who shall be a skilled and competent stenographer, whose duty it shall be to attend the sessions of the said court in (the) several counties of this State, and under the orders and directions of the court to report all evidence, opinions and other matters as the court shall order. He shall be appointed by the court, and subject to be removed at its pleasure, and another appointed in his place.

Office of  
Court  
Stenogra-  
pher es-  
tablished.

Duty.

Appoint-  
ment.  
Removal.

SECTION 2. Before entering upon his duties he shall be duly sworn as other court officers and shall give bond to the State of Delaware in the penal sum of two thousand dollars to be approved by the court for the faithful discharge of his duties. He shall receive as compensation for his services such sum as may be approved by the court, not exceeding fifteen hundred dollars per annum for taking shorthand notes and copying decisions in said courts, the same to be paid by the State Treasurer in equal quarterly installments.

Oath.

Bond.

Compensation.

How paid.

He shall make and file in the Supreme Court, within sixty days after completion of trial or hearing, complete typewritten transcripts of the proceedings below in all cases appealed to the Supreme Court from the courts mentioned in said act, and shall receive therefor such sum as may be approved by the court, not exceeding ten cents per folio of one hundred words; said latter sum to be approved by the Chief Justice or presiding Judge, and paid by the State Treasurer. When two of any of the lower courts mentioned in this act shall be in session at the same time, the court stenographer may designate, with the approval of the court, some suitable

Duties of.

Transcripts.

Payment  
for trans-  
cripts.

How paid.

Assistant  
Stenogra-  
pher.

## OF COURTS OF JUSTICE.

and competent stenographer, who shall be sworn as other court officers, to attend one of said sessions and report the proceedings thereof in the same manner and with the same force and effect as if reported by the official court stenographer; said stenographer so deputized shall receive for such work the same proportionate rate of compensation as paid the official stenographer for like work and shall be paid in like manner and his services dispensed with as soon as said reporting shall have been completed.

Compensation.

SECTION 3. That Chapter 253, Volume 19, Laws of Delaware, be and the same is hereby repealed.

*Approved June 16, A. D. 1898.*

## CHAPTER 116.

## OF THE SUPREME COURT.

**AN ACT** authorizing the Supreme Court to make Rules and Orders.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

Rules and orders of Supreme Court.

SECTION 1. That the Supreme Court of the State of Delaware is authorized and empowered by general rule or, where said court shall deem it best for the advancement of justice, by special order, to fix the time of, and otherwise regulate, the return of any and all process issued out of said court, and to make rules and orders for the trial, hearing and determination of causes and proceedings in said court.

*Approved June 1, A. D. 1898.*

## OF COURTS OF JUSTICE.

## CHAPTER 117.

## OF THE SUPREME COURT.

AN ACT providing for a Clerk, and also Service of Process and Orders of the Supreme Court.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

SECTION 1. There shall be a clerk of the Supreme Court, <sup>Clerk of Supreme Court.</sup> who shall be appointed by the Governor. The person first appointed as aforesaid shall hold said office until the first <sup>Appointment.</sup> Tuesday in January in the year one thousand nine hundred and three, and thereafter said appointments shall be made as <sup>Term of office.</sup> aforesaid, for the term of four years, except appointments made to fill vacancies occurring before the expiration of a term. The said clerk shall have the custody of all records, <sup>Duty of.</sup> books and papers belonging to the Supreme Court, and shall keep the same in a public office at the Capital of the State. He shall receive the same fee and compensation as provided <sup>Fees.</sup> by law for the "Clerk of the Court of Errors and Appeals," and all laws relating to the duties and requirements of the <sup>Laws applicable to</sup> Clerk of the Court of Errors and Appeals shall be applied and extended to the Clerk of the Supreme Court.

SECTION 2. The Sheriff of Kent county shall attend the <sup>Duty of Sheriff of Kent Co.</sup> Supreme Court during its sessions, and shall be the officer for executing the process and orders of said court.

SECTION 3. That all acts or parts of acts inconsistent with this act, be and the same are hereby repealed.

*Approved March 1, A. D. 1898.*

## OF COURTS OF JUSTICE.

## CHAPTER 118.

## OF THE SUPREME COURT.

AN ACT in relation to Writs of Certiorari issued out of the Supreme Court.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

Suing  
writs of  
certiorari  
out of  
Supreme  
Court.

SECTION 1. That Writs of Certiorari, issuable out of the Supreme Court of the State of Delaware, shall be Writs of right and not of grace, and shall be sued out of and be issued out of said court either during term or in vacation, without petition therefor or the allocatur of any Judge or order of said court.

*Approved June 9, A. D. 1898.*

## CHAPTER 119.

## OF THE SUPREME COURT.

AN ACT relating to the return of process issuing out of the Supreme Court.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

Return of  
writs of  
error, cita-  
tions,  
writs of  
prohibi-  
tion, &c.

SECTION 1. That writs of error, citations, writs of prohibition, writs of certiorari and writs of mandamus issuable out of the Supreme Court of the State of Delaware, shall be returned in the manner, at the place and at the time that the said Supreme Court, either by rule of said Court, or in cases where said court shall deem it best for the advancement of justice, by special order shall direct.

*Approved, June 1, A. D. 1898.*

## OF COURTS OF JUSTICE.

## CHAPTER 120.

## OF THE COURT OF CHANCERY.

AN ACT to amend an Act entitled "An Act to change the time of holding the Court of Chancery," Revised Code, as amended, &c., 1892.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

SECTION 1. That said act be and the same is hereby amended by inserting after the word March, in the 5th line of Section 1 of said act, the following: "on the first Monday in June." Strike out the word "and" in said line after the word March and after the word September in the 6th line of Section 1, add the following: "and on the first Monday in December." Additional terms of Court of Chancery in Kent and Sussex Cos.

*Approved May 19, A. D. 1898.*



## OF COURTS OF JUSTICE.

## CHAPTER 121.

## OF THE COURT OF CHANCERY.

## AN ACT to provide for Rules of Reference in Suits in the Court of Chancery.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

Rules of  
reference  
in Chan-  
cery.

Referees.  
How  
chosen.

Refusal or  
neglect to  
act.

Penalty.

Oath of  
referees.

Award or  
report not  
to be re-  
versed on  
appeal for  
want of  
bill, &c.

Decree.

SECTION 1. In any suit in the Court of Chancery, the matters in controversy in such suit, or any matter in controversy in such suit between the parties, may, by consent of the parties, their solicitors or agents, and a rule of said court, be referred for adjustment to one or not more than three indifferent referees chosen by the parties, or appointed by the Chancellor, or by the Register in Chancery in vacation.

SECTION 2. If a person appointed a referee and duly notified thereof, shall without sufficient cause to the satisfaction of the Chancellor, refuse or neglect to perform the duties of such appointment, he shall be fined by the Chancellor not exceeding fifty dollars for the use of the county.

SECTION 3. Each referee, named in a rule of reference, shall, before entering upon his duties be duly sworn or affirmed determine the matters referred by said rule, faithfully and impartially, according to the best of his skill and judgment.

SECTION 4. The reward or report of the referee or of the referees upon a reference so made, being approved by the Court of Chancery, shall not be reversed upon appeal for the want of any bill, answer or plea, or on account of any other defect in the proceedings had in such suit.

SECTION 5. The Chancellor, upon the award of the referee or of the referees being approved by him, shall thereupon enter a decree in said cause, which, to him, shall appear just and equitable.

*Approved May 19, A. D. 1898.*

OF COURTS OF JUSTICE.

CHAPTER 122.

OF THE COURT OF CHANCERY.

**AN ACT** concerning the Jurisdiction of the Court of Chancery, in relation to the Donees of Powers under a Trust.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

SECTION 1. When any person or persons, or any of such persons, as may be the donee or donees of any power or powers under any trust, shall be out of the jurisdiction of or not amenable to the process of the Court of Chancery, or shall be insane, or it shall be uncertain whether such person or persons, or any of such persons, be living or dead, the Court of Chancery shall when in its discretion it may deem the objects and purposes of any such trust are in danger of not being performed or effectuated, have power to appoint a person or persons to execute the power or powers under any such trust, and such execution shall be made, by such person or persons so appointed, in the same manner and by the same method as shall be pointed out by the trust, whereby such power or powers were created. And such execution of any such power or powers, by any person or persons so appointed as aforesaid, shall be as effectual, to all intents and purposes, and with the same force and effect as if the same had been executed by such donee or donees as aforesaid. *Provided*, that the Court of Chancery shall be satisfied that the beneficial interests of the donees, or other beneficiaries under such trust, be not by such action impaired.

Chancellor to appoint in case of failure of donees of powers to act.

Execution of power be appointed donee to be effectual.

Proviso.

SECTION 2. The Court of Chancery may make any appointment or direction under this act, by an order made in any cause depending in said court, or upon petition of one or more of those interested in said trust, or by the remaining or surviving donee or donees of any such power or powers. *Provided*, that the Court of Chancery shall have power, upon presentation of any such petition, to take such testimony as it shall deem necessary to satisfy the court that the granting of such petition will not impair the beneficial interest of any of the

Appointment to be made how.

Taking testimony.

## OF COURTS OF JUSTICE.

donees and other beneficiaries under such trust ; which testimony may be taken orally, at the bar of the court, or by depositions.

*Approved May 19, A. D. 1898.*

## CHAPTER 123.

## OF THE ORPHANS' COURT.

**AN ACT to authorize the Clerk of the Orphans' Court of Sussex County to make Copy of Certain Indexes.**

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

Clerk of  
Orphans'  
Court of  
Sussex  
county to  
make cer-  
tain in-  
dices.

SECTION 1. That the Clerk of the Orphans' Court of the State of Delaware in and for Sussex county, be and he is hereby authorized and directed to make or cause to be made a true and correct copy of the indexes of the Orphans' Court for said county therefor now in use, pursuant to the Campbell system, in one or more volumes, as he may deem advisable.

Commis-  
sioners to  
examine.

SECTION 2. That Charles F. Richards and Andrew J. Lynch, Esquires, be and they are hereby appointed Commissioners, whose duty it shall be to examine said indices after the said Clerk of the Orphans' Court shall have completed the same, and if they approve of the execution and correctness of the said indices, they shall certify their approval on each record thereof, and that then and after such certificates the said indices shall become and be the indices to all the records in the said Orphans' Court in and for Sussex county aforesaid.

Certificate  
of ap-  
proval.

Allowance  
for work.

SECTION 3. *And be it further enacted* that after the said commissioners shall have certified as aforesaid, the Judges of the Orphans' Court at the next term thereafter in said county shall determine and make a just and reasonable allowance to the said clerk and commissioners for their services in this behalf, which allowance shall be paid by the Levy Court of said Sussex county.

How  
made.

How paid.

*Approved April 28, A. D. 1898.*

# TITLE FIFTEENTH.

## Of the Justices of the Peace.

### CHAPTER 124.

#### APPOINTMENT OF.

**AN ACT** in relation to the Appointment of Justices of the Peace.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

SECTION 1. That until the General Assembly shall otherwise provide, the Governor be and he is hereby authorized to appoint such number of persons to the office of the Justice of the Peace as were provided by the acts of the General Assembly of this State in force on the fourth day of June in the year one thousand eight hundred and ninety-seven ; said appointments to be made to fill terms already expired as they shall hereafter expire.

Appoint-  
ment of  
Justices of  
the Peace.  
Number.

*Approved March 10, A. D. 1898.*

## OF THE JUSTICES OF THE PEACE.

## CHAPTER 125.

## ADDITIONAL.

**AN ACT to enable the Governor to appoint an additional Justice of the Peace and Notary Public for New Castle County, to reside in Brandywine Hundred Southern Election District.**

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

Addition-  
al J. P.  
& Notary  
for Brandywine  
Hundred.

SECTION 1. That the Governor be and he is hereby authorized to appoint an additional Justice of the Peace and Notary Public for New Castle county who shall reside in Brandywine Hundred, Southern Election District.

*Approved May 19, A. D. 1898.*

# TITLE SIXTEENTH.

## Of Civil Actions in General.

### CHAPTER 126.

#### OF PLEADING AND PRACTICE.

AN ACT in regard to pleading in Civil and Criminal cases.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

SECTION 1. That in all cases at law, civil and criminal, Judgment in over-ruled demurrers.  
 in which any or either party shall demur to any indictment, declaration, plea, replication, rejoinder, sur-rejoinder, or any other pleading of any description, of the opposite party, and the said demurrer shall be overruled, the judgment thereon shall be *Respondeat Ouster*, which shall be a final judgment for the purpose of taking a writ of error ; and any writ of error thereon, if taken by the party demurring, shall be taken within twenty days after the rendering of judgment thereon, and perfected to the next ensuing term of the Superior Court, if the same shall convene at a regular or special term thereof, twenty days or upwards later than the rendering of said judgment of *Respondeat Ouster*, or if said regular or special term shall begin less than twenty days after the rendering of said judgment, then the next succeeding regular or special term of said court ; said Supreme Court may order the said writ of error to be heard at the term to which the same is taken and perfected, or at a later term of said court, as justice may require. That upon the rendering of said judgment of *Respondeat Ouster*, or the affirming thereof by the Supreme Court, upon writ of error, as aforesaid, the party demurring shall have the right to plead over to the facts of the pleading demurred to as aforesaid, and thereupon a trial Trial.  
 Respond-ent ouster. Writs of error.  
 When taken. Perfection  
 Hearing of writ of error.  
 Option to plead.

## OF PLEADING AND PRACTICE.

Rules. may be ordered at the same or a subsequent term, or a continuance may be ordered, as justice may require. The courts of original jurisdiction and the said Supreme Court shall make proper and adequate rules to carry this law into effect. That at the time of the filing such Demurrer, the same shall be accompanied by a certificate of the counsel filing the same, that the said Demurrer, in his opinion, is good in law, and is not filed for purposes of delay.

Certificate on filing demurrer.

SECTION 2. That Chapter 219, Volume 17, Laws of Delaware, entitled "An Act in regard to pleading in Civil and Criminal cases," passed at Dover, March 14th, 1883, and all other laws or parts of laws inconsistent with this act, be, and the same are hereby repealed.

*Approved June 9, A. D. 1898.*

# TITLE NINETEENTH.

## Of the Fees of Public Officers.

### CHAPTER 127.

#### OF THE FEES OF PUBLIC OFFICERS.

**AN ACT to amend Chapter 225, Volume 18, Laws of Delaware, passed at Dover, April 20, 1887, relating to Mileage and Fees of Officers.**

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

SECTION 1. Amend Section 1 of Chapter 225, Volume 18, Laws of Delaware, by adding at the end of the last paragraph of said Section the following to wit :

*"Provided, That no Sheriff, Deputy Sheriff, Constable, Deputy Constable, Detective, or other person or persons authorized by law to make arrests shall be allowed mileage as witnesses under this act. And when more than one person is arrested and taken before a magistrate, no more than one fee shall be allowed for serving warrant, conveying to Jail or committing to prison."*

Officers not allowed mileage as witnesses.  
Officers not to have more than one witness fee.

SECTION 2. That Chapter 92 of Volume 12 of the Laws of Delaware be and the same is hereby amended by striking out the word "sixty" where the same occurs in the second and sixth Sections thereof and substituting in lieu thereof the word "ten."

Imprisonment reduced from sixty to ten days

*Approved February 9, A. D. 1898.*



## RESOLUTIONS.

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### CHAPTER 128.

Joint Resolution in relation to the Employment of Counsel.

*Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

Commis-  
sion to  
prepare  
bills.

That William T. Lynam of New Castle county, John B. Pennington of Kent county and Charles F. Richards of Sussex county be and they are hereby appointed to prepare such laws as may be necessary to meet the requirements of the New Constitution.

*Approved January 14, A. D. 1898.*

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### CHAPTER 129.

Senate Joint Resolution in relation to Adjournment.

*Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

That when the respective Houses do adjourn it shall be until Monday, January 24th, at 11 o'clock A. M.

*Adopted at Dover, January 17th, 1898.*

RESOLUTIONS.

CHAPTER 130.

House Joint Resolution in relation to Adjournment.

*Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

That when these two Houses adjourn it shall be until 10 o'clock A. M. January 31st, 1898.

*Adopted at Dover, January 27, 1898.*

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CHAPTER 131.

Senate Joint Resolution Repealing Chapter 653, Volume 20, Laws of Delaware.

*Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

That Chapter 653, Vol. 20, Laws of Delaware, be and the same is hereby repealed, made null and void.

*Approved February 3, A. D. 1898.*

## RESOLUTIONS.

## CHAPTER 132.

Senate Joint Resolution, appointing a Joint Committee to wait upon the Governor and inform him that the two Houses of the General Assembly are re-assembled and ready to receive any communication he may see proper to present.

*Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

Joint com-  
mittee to  
notify  
Governor  
of meet-  
ing of  
Houses.

That a joint committee of one on the part of the Senate and two on the part of the House, be appointed by the respective Speakers to wait upon the Governor, and inform him that the two Houses of the General Assembly are re-assembled and ready to receive any communication he may see proper to present.

*Approved February 3, A. D. 1898.*

## CHAPTER 133.

Joint Resolution authorizing the appointment of a Joint Committee of two on the part of the Senate and three on the part of the House to settle with the Secretary of State and Clerks of the Senate and House of Representatives.

*Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

Commit-  
tee to set-  
tle with  
Sec'y of  
State and  
clerks.

That a Joint Committee of two on the part of the Senate and three on the part of the House of Representatives, be appointed by the Speakers of the respective Houses, whose duty it shall be to settle and audit the accounts of the Secretary of State for superintending the printing of the acts of the last Session and for indexing the same ; the indexing of Volume 20 of the Laws of Delaware ; indexing and superintending the printing of the Constitution of Delaware under a resolution of the Constitutional Convention, and for services rendered in the issuing of State Bonds under the provisions

## RESOLUTIONS.

of Chapter 380 of Volume 20 of the Laws of Delaware. Also to audit the accounts of the Clerks of the Senate and House of Representatives for superintending the printing of their Journals of the Houses of the Legislature for the last Session and for making indexes thereto. Said committee shall make such allowances for said services as they may think just and proper, which said allowances shall be paid by the State Treasurer upon orders drawn by the chairman of said committee in favor of said Secretary of State and Clerks respectively.

*Approved February 10, A. D. 1898.*

## CHAPTER 134.

Joint Resolution authorizing the State Treasurer to pay B. A. Hazell for Garrison Brothers for repairing Portrait of Washington.

*Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

That the State Treasurer be and he is hereby authorized and directed to pay to B. A. Hazell for Garrison Brothers thirty dollars for services rendered in the repairs of the portrait of Washington in the State House.

And the said sum of thirty dollars is hereby expressly appropriated out of any moneys in the State Treasury, for the payment of said charge.

*Approved February 10, A. D. 1898.*

## RESOLUTIONS.

## CHAPTER 135.

Joint Resolution in relation to Stationery, etc., for the Attorneys.

*Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

Stationery  
for attor-  
neys.

That the Librarian be and he is hereby authorized and instructed to furnish the necessary stationery to the attorneys already selected by this body.

*Approved February 10, A. D. 1898.*

## CHAPTER 136.

Joint Resolution in regard to the appointment of a Joint Committee to settle with the State Treasurer and State Auditor.

*Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

Commit-  
tee to set-  
tle with  
State  
Treasurer  
and Audi-  
tor.

That a Joint Committee of two on the part of the Senate and three on the part of the House be appointed to settle with the State Treasurer and State Auditor.

*Approved February 9, A. D. 1898.*

## RESOLUTIONS.

## CHAPTER 137.

**Joint Resolution authorizing the Governor to pay to the State Treasurer Certain Moneys in his hands belonging to the Direct Tax Fund.**

WHEREAS, Under the provisions of an act of Congress entitled, "An Act to credit and pay to the several States and Territories and the District of Columbia all moneys collected under the Direct Tax levied by the act of Congress, approved August fifth, eighteen hundred and sixty-one," approved March 2, 1891, the sum of \$70,772.02 was paid to the Governor of this State in trust for distribution among persons entitled thereto; and

WHEREAS, Under the provisions of the said act all claims to the said money were required to be filed within six years next after the passage of said act, and all claims not so filed to be forever barred and the money attributable thereto to belong to this State; and

WHEREAS, the said period of six years expired on the second day of March last, leaving in the Farmers' Bank at Dover, to the credit of this account, \$8,232.17, now, therefore,

*Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

That the Governor of the State of Delaware, be and he is hereby authorized and directed to pay over the said amount of money now remaining to the credit of said account to the State Treasurer, for the use of the general fund and to take the receipt of the State Treasurer therefor, which shall be a full and complete discharge of the trusts and duties imposed by the provisions of the said act of Congress.

Governor  
author-  
ized to  
pay  
money in  
hand from  
Direct  
tax fund  
to State  
Treasurer.

*Approved February 10, A. D. 1898.*

## RESOLUTIONS.

## CHAPTER 138.

## Senate Joint Resolution.

WHEREAS, It becomes necessary for the good government of the State to formulate laws and amendments to laws, to conform the Statutes of the State, to the New Constitution ; therefore,

*Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

Commit-  
tee to con-  
fer as to  
counsel.

That a committee of 2 on the part of the Senate be appointed to confer with a committee of three on part of the House in regards to employing counsel to report the same to the General Assembly.

*Approved February 15, A. D. 1898.*

## CHAPTER 139.

## House Joint Resolution to Adjourn.

*Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

That when the General Assembly adjourns it be to meet at 11 o'clock A. M. on Wednesday, Feb. 23, 1898.

*Adopted at Dover, February 17, 1898.*

## RESOLUTIONS.

## CHAPTER 140.

**Joint Resolution, appointing a Joint Committee, to recommend what action should be taken by the General Assembly as a mark of respect to the memory of the late Robert J. Hanby.**

*Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

That a Joint Committee, consisting of two on the part of the Senate and three on the part of the House, be appointed to recommend to the General Assembly, appropriate action upon the death of Robert J. Hanby, late a Senator from New Castle county.

*Approved February 24, A. D. 1898.*

## CHAPTER 141.

**Joint Resolution authorizing the State Treasurer to pay to the Mercantile Printing Company, three hundred and fifty dollars for printing and binding six thousand copies of the New Constitution and Schedule.**

WHEREAS, The Constitutional Convention (1897) by resolution authorized and directed the Secretary of State to cause to be printed and bound six thousand copies of the New Constitution with side notes and index, and to have six hundred of said copies bound in sheep. Said printing and binding to be done by contract, awarded to the lowest and best bidder for the same, and

WHEREAS, The Secretary of State advertised for bids on the said work of printing and binding and awarded the contract therefor to the Mercantile Printing Company, they being the lowest and best bidders therefor, at the sum of three hundred and fifty dollars ; now therefore,



## RESOLUTIONS.

*Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

\$350 to pay  
for print-  
ing and  
binding  
constitu-  
tion.

That the State Treasurer, be and he is hereby authorized and directed to pay to the Mercantile Printing Company, three hundred and fifty dollars for printing and binding six thousand copies of the New Constitution and the Schedule. And the said sum is hereby appropriated out of any moneys now remaining in the Treasury of the State of Delaware, for the payment of said amount.

*Approved March 1, A. D. 1898.*

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CHAPTER 142.

**Joint Resolution authorising the Appointment of a Joint Committee to determine the Subdivision of the Representative Districts.**

Commit-  
tee on  
Election  
Districts.

*Resolved* by the Senate and House of Representatives of the State of Delaware in General Assembly met, that a committee of three on the part of the Senate and six on the part of the House be appointed to determine whether if any of the Representative Districts should be divided into election precincts, and if so report how such division should be made.

*Approved March 10, A. D. 1898.*

RESOLUTIONS.

CHAPTER 143.

House Joint Resolution in relation to Adjournment.

*Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

That when the General Assembly adjourns to-day it be until Monday, March 28, 1898, at the usual hour.

*Adopted at Dover, March 24, 1898.*

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CHAPTER 144.

Senate Joint Resolution in relation to Adjournment.

*Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

That when the two Houses adjourn to-day they adjourn to meet on Monday, April 11th, 1898, at 11 o'clock A. M.

*Adopted at Dover, April 4th, 1898.*

## RESOLUTIONS.

## CHAPTER 145.

Senate Joint Resolution in relation to the death of Honorable James L. Wolcott.

WHEREAS, The General Assembly has heard with deepest sorrow and regret of the sudden death this morning of Honorable James L. Wolcott, and

WHEREAS, He was once an officer of this General Assembly and has long been a trusted adviser and personal friend of many of our members, and

WHEREAS, Though not now in public life (having some time since retired from the office of Chancellor of this State which he had so ably and conscientiously administered), still the many duties performed by him in the service of his State as Clerk of the Senate ; as Secretary of State and as Chancellor, have all contributed towards making his death a loss to the State as well as to the town and county in which he lived, and to his personal friends and to his family, therefore,

*Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

That, though bowing in humble submission to the will of the Divine Ruler of the Universe in laying the icy hand of death upon Honorable James L. Wolcott of this State ; still, we cannot withhold an expression of the heaviness of our grief occasioned by his sudden demise, and

*Be it further resolved,* That by the taking away of the departed, so conscientious an officer and citizen ; so able an advocate ; so true a friend and counsellor ; his native State, the town of his adoption ; and the friends who have met him in every day intercourse have suffered a loss which seems irreparable and which is all the more poignant by reason of its suddenness, and

*Be it further resolved,* That we hereby extend to the bereaved family of the deceased the expression of our sincerest sympathy, and commend them for comfort to Him "Who Doeth All things well," and

## RESOLUTIONS.

*Be it further resolved*, That a copy of these resolutions be transmitted to the family of the deceased, and that they be entered upon the Journal of each House of the General Assembly, and

*Be it further resolved*, That as a further mark of our esteem for the deceased and as a slight recognition of his eminently useful services to the State, that we do adjourn to meet on Monday next April 4th, at ten o'clock A. M.

*Be it further resolved*, That the two Houses attend the funeral of the deceased in a body.

*Approved April 21, A. D. 1898.*

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## CHAPTER 146.

**Joint Resolution extending a Vote of Thanks to Admiral George Dewey.**

WHEREAS, The United States Asiatic Squadron under command of Admiral George Dewey has undoubtedly won one of the greatest naval victories ever accomplished in our history, and

WHEREAS, Said victory firmly establishes the United States as one of the leading nations of the world and commands the respect of all other nations to our naval strength, therefore

*Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

That the General Assembly of Delaware does hereby extend Admiral George Dewey a unanimous vote of thanks in recognition and appreciation of his glorious achievements.

*And be it further resolved*, That the Secretary of State forward an enrolled copy of these resolutions to Admiral George Dewey.

*Approved May 19, A. D. 1898.*

## RESOLUTIONS.

## CHAPTER 147.

**Joint Resolution providing for the Appointment of a Committee of five to act with the Governor in accepting Portraits of former Governors.**

WHEREAS, Since the remodeling of the Capitol Building, several parties having signified their willingness to present portraits of former Governors of the State to be hung on the walls of the State Capitol ; therefore,

*Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

Committee to arrange for presenting Governors' portraits to the State.

That a joint committee of five members, two from the Senate and three from the House be appointed to act in conjunction with the Governor of the State to arrange for the formal presentation of these portraits to the State, the Speaker of the Senate and the Speaker of the House to be members of said committee.

*Approved May 19, A. D. 1898.*

## CHAPTER 148.

**Joint Resolution relating to the Taxation of Investments.**

*Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

That the Secretary of State be, and he is hereby instructed to send at once to the several Levy Courts of the State of Delaware a copy of the act entitled "An Act to equalize Taxation for State and County purposes," passed at Dover, May 20, 1897, as the same has been amended at present Session of the General Assembly.

*Approved June 1, A. D. 1898.*

## RESOLUTIONS.

## CHAPTER 149.

Joint Resolution appropriating Certain Money out of the State Treasury of this State to pay the Expenses incurred by the present Session of the General Assembly of 1898.

*Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

That the several sums of money hereinafter named be and the same is hereby appropriated to pay the expenses incurred by the General Assembly at this present session, and the State Treasurer is hereby authorized and directed to pay the same in the following sums, to wit :

Virdie Gooden, . . . . .	\$ 121 40
Fannie S. Herrington, . . . . .	115 40
E. D. C. Hegeman, . . . . .	100 00
Arthur R. Boyle, . . . . .	11 50
Chas. M. Adams, . . . . .	30 00
Clark & McDaniel, . . . . .	10 40
Walter Hayes, . . . . .	200 00
C. C. Tindall, . . . . .	45 85
J. H. Whiteman, . . . . .	100 00
J. L. Wolcott, . . . . .	100 00
Journal Printing Co., . . . . .	135 80
Dover Index, . . . . .	80 50
W. F. Causey, . . . . .	50 00
John G. Gray, . . . . .	50 00
Dover Index, . . . . .	5 00
M. E. Haman, . . . . .	50 00
Chas. F. Richards, . . . . .	1,500 00
John B. Pennington, . . . . .	1,500 00
Wm. T. Lynam, . . . . .	1,500 00
Wm. M. Hope, . . . . .	35 00

*Approved June 1, A. D. 1898.*

## RESOLUTIONS.

## CHAPTER 150.

**Resolution appropriating money to pay the Compensation of the Members of the Senate and Expenses connected with the Session thereof.**

*Resolved* that the following amounts be and the same are hereby appropriated out of any money in the State Treasury not otherwise appropriated for the payment of compensation of members of the Senate and expenses connected with the session thereof, viz :

Hon. Hezekiah Harrington, . . . . .	\$ 574 00
Hon. John Pyle, . . . . .	440 10
Hon. Samuel Alrich, . . . . .	436 80
Hon. Robert J. Hanby, . . . . .	108 90
Hon. Daniel F. Stewart, . . . . .	311 10
Hon. John M. C. Moore, . . . . .	439 80
Hon. George F. Pierce, . . . . .	434 10
Hon. Wm. Thomas Moore, . . . . .	439 80
Hon. Samuel R. Meredith, . . . . .	423 00
Hon. John W. Fenimore, . . . . .	422 10

## ALLOWANCES.

Simon P. Doherty, Clerk. . . . .	1,000 00
E. D. C. Hegeman, Reading, . . . . .	500 00
Edward O. Raymond, Enrolling, . . . . .	350 00
Rev. T. P. Revelle, Chaplain, . . . . .	75 00
Roland F. Quillen, Sergeant-at-arms, . . . . .	300 00
Willard H. Parsons, Page, . . . . .	75 00
The Delawarean, printing, . . . . .	28 00
J. D. Deane, for papers, . . . . .	54 37

*Approved June 1, A. D. 1898.*

## RESOLUTIONS.

## CHAPTER 151.

**House Resolution appropriating certain money out of State Treasury of this State to pay the expenses incurred by the House at the present session of 1898.**

*Be it resolved* by the House of Representatives that the several sums of money hereinafter named be and the same is hereby appropriated to pay the expenses incurred by the House at this present session, and the State Treasurer is hereby authorized and directed to pay the same in the following sums to wit :

Emory B. Riffin, Speaker, . . . . .	\$ 580 90
W. W. Cheairs, . . . . .	438 60
Charles G. Dempsey, . . . . .	443 10
Robert McCullough, . . . . .	443 10
D. K. Donnelson, . . . . .	441 00
W. B. McCoy, . . . . .	438 90
James T. Taylor, . . . . .	432 60
J. Frank Eliason, . . . . .	434 70
Wm. R. Davis, . . . . .	429 60
B. A. Hazel, . . . . .	429 60
J. S. Hopkins, . . . . .	430 20
Charles M. Adams, . . . . .	435 00
James A. Martin, . . . . .	436 20
Joseph H. Hopkins, . . . . .	421 80
Robert H. Wilson, . . . . .	421 80
Matt Ford Short, . . . . .	439 80
Asbury Smith, . . . . .	434 40
Thomas Johnson, . . . . .	441 60
E. C. Dukes, . . . . .	446 40
I. N. Whitney, . . . . .	435 90
John C. Thompson, . . . . .	440 70
Clerk, Geo. W. Spicer, Jr., . . . . .	1,200 00
Reading Clerk, Walton Thompson, . . . . .	600 00
Sergeant, W. B. Hazel, . . . . .	300 00
Chaplain, Chas. I. Stengle, . . . . .	75 00
Page, Clarence Golt, . . . . .	75 00
Enrolling Clerk, W. C. L. Carnagy, . . . . .	350 00
Smyrna Call, printing, . . . . .	200 00
Delawarean, . . . . .	100 00
Sussex Countian, . . . . .	20 00
John H. Rodney, drawing bills, . . . . .	15 00



## RESOLUTIONS.

R. C. White, . . . . .	\$ 35 00
Julian B. Robinson, . . . . .	2 00
John F. Saulsbury, . . . . .	100 00
Edward Ridgely, . . . . .	225 00
Electric Press Co., . . . . .	308 00
E. R. Cochran, Jr., . . . . .	1,000 00
Geo. W. Spicer, Jr., . . . . .	1 50
A. M. Daly, . . . . .	75 00
John D. Hawkins, . . . . .	450 00
J. D. Deane, . . . . .	173 14
James H. Hughes, . . . . .	200 00
Henry Ridgely, Jr., . . . . .	800 00

*Approved June 1, A. D. 1898.*

## TITLES OF PRIVATE ACTS EXCLUDED FROM PUBLICATION.

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### CHAPTER 152.

An Act to change the name of Ida M. Holston to Ida M. Chamberlin and to make her by adoption a daughter and heir at law of George W. Chamberlin and Elizabeth B. Chamberlin of Baltimore Hundred, Sussex county.

Approved March 1st, A. D. 1898.

### CHAPTER 153.

An Act to change the name of Meta Marguritte Waller to that of Meta Marguritte Hitch and make her by adoption an heir at law of John E. and Lillian Hitch.

Approved March 17th, A. D. 1898.

### CHAPTER 154.

An Act to change the name of Thomas Greer to Thomas G. Maxwell of Christiana Hundred, New Castle county.

Approved April 28th, A. D. 1898.

### CHAPTER 155.

An Act to change the name of Martha Grant Bushnell to Martha Knowles Grant.

Approved May 5th, A. D. 1898.

## TITLES OF PRIVATE ACTS.

## CHAPTER 156.

An Act to change the name of William Bonnar to the name of William Stuart, and to make him by adoption a son and heir at law of Thurston M. Stuart of Dover, Kent county and the State of Delaware.

Approved May 19th, A. D. 1898.

SECRETARY'S OFFICE,

DOVER, September 19, 1898.

In obedience to the directions of Chapter 4 of the Revised Code, I have collated with and corrected by the original rolls now in this office and caused to be published, this edition of the Laws of Delaware, passed by the General Assembly at an adjourned session commenced on Tuesday, the eleventh day of January, A. D. 1898, and ending on the 30th day of May, A. D. 1898, and approved by the Governor.

JAMES H. HUGHES,  
*Secretary of State.*



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